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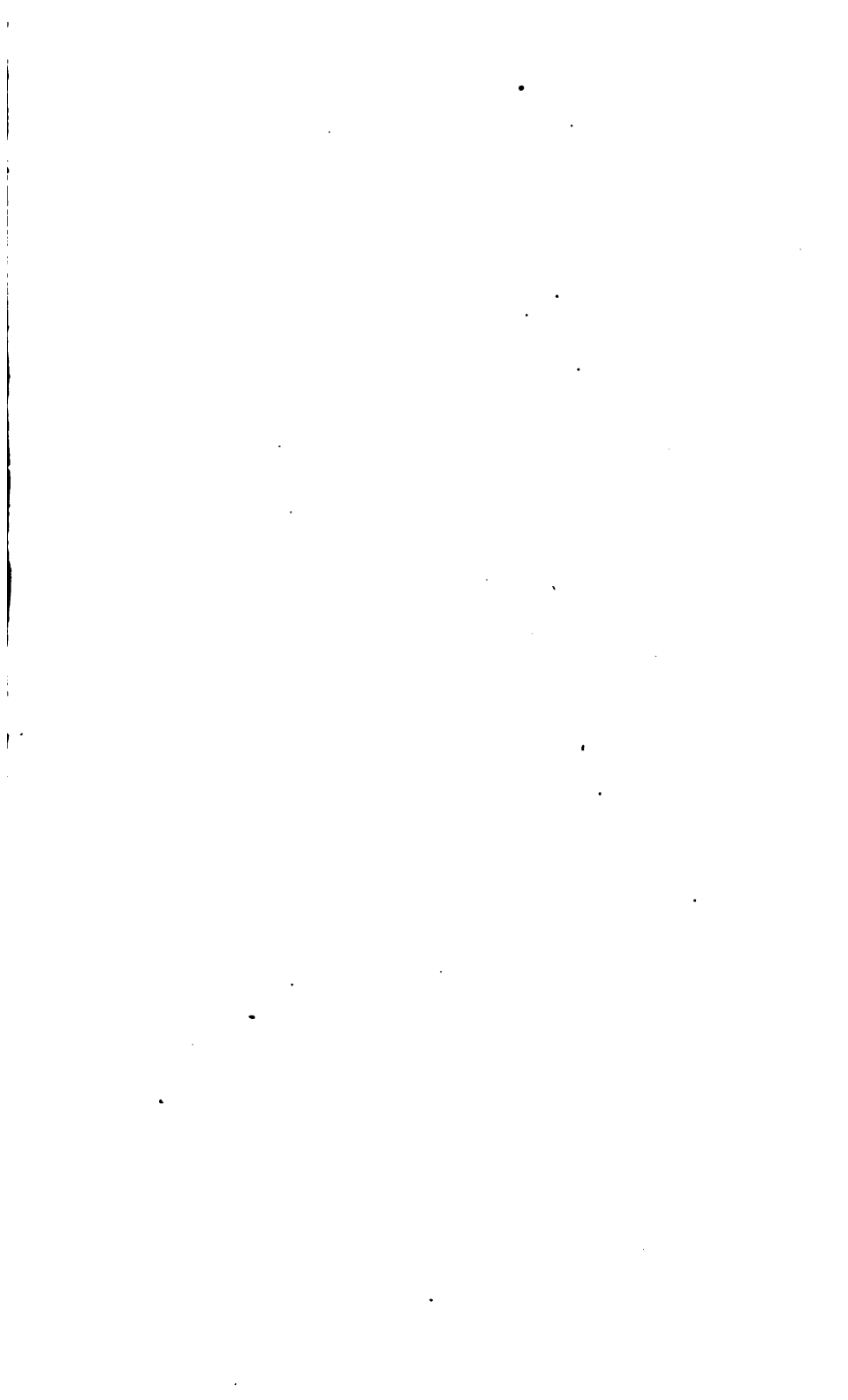
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New York Collect







L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
EIGHTY-FIRST SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY FIFTH, AND ENDED APRIL NINETEENTH, 1858,
IN THE CITY OF ALBANY.



ALBANY:
W. C. LITTLE & CO., LAW BOOKSELLERS.
1858.

C E R T I F I C A T E .

STATE OF NEW YORK,
SECRETARY'S OFFICE,
Albany, June 1st, 1858. }

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1848, I hereby certify that the following volume of the Laws of this State, was printed under my direction.

GIDEON J. TUCKER, Secretary of State.

In this volume, "every act which received the assent of three-fifths of all the Members elected to either House of the Legislature," pursuant to Section 14, of Article 7, of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 253.]

And every "act which received the assent of two-thirds of all the Members elected to each branch of the Legislature," pursuant to Section 9, of Article 1, of the Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

L 1283

MAY 10 1858

LIST OF OFFICERS.

"§ 4. There shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office at the time of the passage of the Laws contained in such volumes."—*Laws 1847, Chap. 458, Sec. 4.*

NAMES AND RESIDENCE

Of the Governor, Lieutenant-Governor, Senators, Members of Assembly, and presiding officers of both Houses, in office at the time of the passage of the Laws contained in this volume.

NAME	Office.	RESIDENCE.	
		County.	Nearest Post Office.
John A. King,.....	Governor,.....	Albany,.....	Albany.
Henry R. Selden,.....	Lieut. Gov.,...	Monroe,.....	Clarkson.
Joshua B. Smith,.....	Senator,.....	Suffolk,.....	Hanppange.
Samuel Sloan,.....	do	Kings,.....	Brooklyn.
Francis B. Spinola,.....	do	do	do
John C. Mather,.....	do	New York,.....	New York.
Smith Ely, Jr.,.....	do	do	do
Richard Schell,.....	do	do	do
John Doherty,.....	do	do	do
Benjamin Brandreth,.....	do	Westchester,.....	Sing Sing.
Osmer B. Wheeler,.....	do	Orange,.....	Otisville.
George W. Pratt,.....	do	Ulster,.....	Kingston.
William G. Mandeville,.....	do	Columbia,.....	Stuyvesant Falls.
John D. Willard,.....	do	Rensselaer,.....	Troy.
George Y. Johnson,.....	do	Albany,.....	Dunnsville.
Edward J. Burhans,.....	do	Delaware,.....	Roxbury.
George G. Scott,.....	do	Saratoga,.....	Ballston.
Ralph A. Loveland,.....	do	Essex,.....	Westport.
William A. Wheeler,.....	do	Franklin,.....	Malone.
Joseph A. Willard,.....	do	Lewis,.....	Lowville.
Alrick Hubbell,.....	do	Oneida,.....	Utica.
Addison H. Lavin,.....	do	Herkimer,.....	Herkimer.
Cheney Ames,.....	do	Oswego,.....	Oswego.
James Noxon,.....	do	Onondaga,.....	Syracuse.
John J. Foote,.....	do	Madison,.....	Hamilton.
Lyman Truman,.....	do	Tioga,.....	Owego.
Alexander B. Williams,.....	do	Wayne,.....	Lyons.

LIST OF OFFICERS.

NAME.	Office.	RESIDENCE.	
		County.	Nearest Post Office.
Truman Boardman,.....	Senator,.....	Seneca,.....	Trumansburg,
Alexander L. Diven,.....	do	Chemung,.....	Elmira. [Tomp.co.
John E. Patterson,.....	do	Monroe,.....	Parma Centre.
Horatio J. Stow,.....	do	Niagara,.....	Lewiston.
John B. Halsted,.....	do	Wyoming,.....	Castile.
James Wadsworth,.....	do	Erie,.....	Buffalo.
John P. Darling,.....	do	Cattaraugus,.....	Cattaraugus.
Chauncey M. Abbott,.....	Assemblyman,	Cayuga,.....	Niles.
Charles H. Adams,.....	do	Albany,.....	Cohoes.
Thomas G. Alvord,.....	do	Onondaga,.....	Syracuse.
Cornelius W. Armstrong,.....	do	Albany,.....	Albany.
Robert F. Austin,.....	do	Jefferson,.....	Three Mile Bay.
Amos Avery,.....	do	Erie,.....	Evans.
George Babbitt,.....	do	Jefferson,.....	Smithville.
Dwight Bacheller,.....	do	Albany,.....	Albany.
Hezekiah Baker,.....	do	Montgomery,.....	St. Johnsville.
David B. Baldwin,.....	do	Cayuga,.....	Weedsport.
William Baldwin,.....	do	Oswego,.....	Oswego.
Washington Barnes,.....	do	Steuben,.....	Painted Post.
Moses S. Beach,.....	do	Kings,.....	Brooklyn.
Isaac Becker,.....	do	Ulster,.....	Arnoldston.
Alfred Bell,.....	do	Livingston,.....	Nunda.
George W. Bleecker,.....	do	Kings,.....	Brooklyn.
Henry Bliss,.....	do	Chautauque,.....	Sherman.
Chauncey Boughton,.....	do	Saratoga,.....	Half Moon.
Nathan Bouton,.....	do	Cortland,.....	Virgil.
William Briggs,.....	do	St. Lawrence,.....	Ogdensburgh.
William Buffington, Jr.,.....	do	Cattaraugus,.....	Cattaraugus.
Lester M. Case,.....	do	Madison,.....	Cazenovia.
John W. Chanler,.....	do	New York,.....	New York.
David I. Chatfield,.....	do	do	do
David M. Chauncey,.....	do	Kings,.....	Brooklyn.
Noah A. Childs,.....	do	New York,.....	New York.
Elihu C. Church,.....	do	Jefferson,.....	Theresa.
Homer Collins,.....	do	Lewis,.....	Collinsville.
William Coppernoll,.....	do	Herkimer,.....	Ohio.
Dunham J. Crain,.....	do	New York,.....	New York.
John A. Dayton,.....	do	Kings,.....	Brooklyn.
Arthur J. Delaney,.....	do	New York,.....	New York.
Harmanus B. Duryea,.....	do	Kings,.....	Brooklyn.
Garret Dyckman,.....	do	New York,.....	New York.
Volney Edgerton,.....	do	Ontario,.....	Orleans.
Albert Kwans,.....	do	Dutchess,.....	Arthursburgh.
Philip W. Engs,.....	do	New York,.....	New York.
Charles Estes,.....	do	Wayne,.....	Macedon Centre.
Edward S. Esty,.....	do	Tompkins,.....	Ithica.
Daniel Fish,.....	do	Rensselaer,.....	Valley Falls.
Henry Fish,.....	do	Schuyler,.....	Mecklenburgh.
Michael Fitzgerald,.....	do	New York,.....	New York.
James Frazee,.....	do	Onondaga,.....	Baldwinsville.
Stephen W. Fullerton,.....	do	Orange,.....	Newburgh.
William Gage,.....	do	New York,.....	New York.
John Garrison,.....	do	Putnam,.....	Garrisons.
Lorenzo Gile,.....	do	Columbia,.....	Canaan 4 Corners.
Harlow Godard,.....	do	St. Lawrence,.....	Richville.
Charles B. Greene,.....	do	Chautauque,.....	Ellington.
John Haggerty,.....	do	Chemung,.....	Big Flats.

LIST OF OFFICERS.

5

NAME.	Office.	RESIDENCE.	
		County.	Nearest Post Office.
Monroe Hall,	Assemblyman,	Essex,	Jay.
Thomas G. Halley,	do	Oneida,	New London.
John M. Hammond,	do	Allegany,	Fillmore.
John Hanford,	do	Kings,	Williamsburgh.
David M. Hard,	do	Otsego,	New Lisbon.
Henry R. Hart,	do	Oneida,	Whitestown.
John S. Hendrickson,	do	Queens,	Bushville.
Asa Hodge,	do	Sullivan,	Grahamsville.
Levi S. Holbrook,	do	Onondaga,	Pompey Centre.
John C. Holmes,	do	Fulton & Hamil,	Gloversville, Ful-
Frost Horton,	do	Westchester,	Peekskill. [ton co.
George Howell,	do	Suffolk,	Riverhead.
Eber W. Hubbard,	do	Richmond,	Bentley.
Almanzor Hutchinson,	do	Orleans,	Gaines.
George A. Jeremiah,	do	New York,	New York.
John H. Jones,	do	Livingston,	Moscow.
Thomas Jones, Jr.,	do	New York,	New York.
William B. Jones,	do	Steuben,	Canisteo.
William F. Jones,	do	Allegany,	Wellsville.
William Kales,	do	Chenango,	Coventry.
Franklin D. Kingman,	do	Genesee,	Bergen.
Reuben Knight,	do	Oneida,	Boonville.
John W. LaBar,	do	Niagara,	Lockport.
Fordyce L. Laflin,	do	Ulster,	Saugerties.
Truxton G. Lamb,	do	Chenango,	Columbus.
Albert P. Laning,	do	Erie,	Buffalo.
Samuel A. Law,	do	Delaware,	Meredith.
Edward A. Lawrence,	do	Queens,	Flushing.
Harris Lewis,	do	Herkimer,	Frankfort.
Jarvis Lord,	do	Monroe,	Rochester.
James H. Lynch,	do	New York,	New York.
Angus McIntosh,	do	Schenectady,	Duanesburgh.
William J. McKown,	do	Oneida,	Waterville.
Charles McLean,	do	Otsego,	Cherry Valley.
Andrew J. McNett,	do	Erie,	Buffalo.
John Mather,	do	Yates,	Middlesex.
David Miller,	do	Columbia,	Livingston.
Martin Miller,	do	Rensselaer,	Greenbush.
George P. Mills,	do	Suffolk,	Bellport.
Edward A. Moore,	do	New York,	New York.
Jason C. Osgood,	do	Rensselaer,	Troy.
Fletcher Palmer,	do	Delaware,	Deposit.
John S. Palmer,	do	Broome,	do
Thomas Parsons,	do	Monroe,	Rochester.
Ira R. Peck,	do	Ontario,	East Bloomfield.
Zephaniah C. Platt,	do	Clinton,	Plattsburgh.
Cyril Rawson,	do	Wyoming,	Eagle.
William P. Raymond,	do	Tioga,	Owego.
Taber B. Reynolds,	do	Saratoga,	Wilton.
Ralph Richards,	do	Washington,	Hampton.
Alexander Robertson,	do	Warren,	Glen's Falls.
Charles Russell,	do	Franklin,	Bombay.
Chauncey S. Gage,	do	Oswego,	Williamstown.
John H. Salisbury,	do	Scholharie,	Argusville.
John G. Seeley,	do	New York,	New York.
Edward W. Sentell,	do	Wayne,	Sodus.
Oscar F. Shepard,	do	St. Lawrence,	Lawrenceville.

LIST OF OFFICERS.

NAME.	Office.	RESIDENCE.	
		County.	Nearest Post Office.
Jacob L. Smith,	Assemblyman,	New York,	New York.
Robert Staples,	do	Monroe,	Brockport.
Charles J. Stephenson,	do	Orange,	Middletown.
Robert Stewart,	do	Madison,	Chittenango.
Daniel B. Strong,	do	Greene,	Ashland.
Edmund G. Sutherland,	do	Westchester, ...	White Plains.
Abraham B. Tappan,	do	do	Fordham.
Henry Van Aernam,	do	Cattaraugus, ...	Franklinville.
Burt Van Horn,	do	Niagara,	Newfane.
Robert B. Van Valkenburgh, ..	do	Steuben,	Bath.
John A. Voorhees,	do	Kings,	Flatlands.
Ambrose Wager,	do	Dutchess,	Rhinebeck.
Thaddeus H. Walker,	do	Washington, ...	Salem.
Nathan W. Watson,	do	Ulster,	Kingston.
Wesley J. Weiant,	do	Rockland,	North Haverstraw.
George Weir,	do	New York,	New York.
John T. Wheelock,	do	Erie,	Lancaster.
Richard Winne,	do	New York,	New York.
John J. Wolcott,	do	Oswego,	Fulton.
George Wolford,	do	Albany,	Albany.
Augustus Woodworth,	do	Seneca,	Lodi.

PRESIDING OFFICERS AND CLERKS.

NAME.	Office.	RESIDENCE.	
		County.	Nearest Post Office.
Henry R. Selden, ..	President of the Senate, ...	Monroe,	Clarkson.
Thomas G. Alvord, ..	Speaker of the Assembly, ..	Onondaga,	Syracuse.
Samuel P. Allen, ...	Clerk of the Senate,	Monroe,	Rochester.
David Wilson,	Clerk of the Assembly,	Albany,	Albany.

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
EIGHTY-FIRST REGULAR SESSION OF THE LEGISLATURE, BEGUN
THE FIFTH DAY OF JANUARY, AND ENDED THE
NINETEENTH DAY OF APRIL, 1858,
AT THE CITY OF ALBANY.

Chap. 1.

AN ACT to amend an act entitled "An act to authorize the city of Utica to take stock in the Black River and Utica Railroad, and to sell its bonds to provide for the payment thereof," passed May twenty-seventh, eighteen hundred and fifty-three.

Passed February 3d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Utica, Common council to borrow \$15,000. are hereby authorized and required to borrow on the bonds of said city, to be executed under the corporate seal, and to be signed by the mayor and clerk, the sum of fifteen thousand dollars, and such further sum as may be necessary for the purpose of satisfying and discharging the interest which

became payable on the first day of May and the first day of November, eighteen hundred and fifty-seven, upon the sum of two hundred and fifty thousand dollars, heretofore borrowed by the said city, pursuant to the act hereby amended, and for the purpose of satisfying the interest on the said arrears of interest from the time the same became payable.

Bonds.

The bonds to be executed pursuant to this section, to be made payable at such time or times as shall be determined upon by the common council, not exceeding in regard to any of them, the period of five years from the time of the passage of this act. They shall have such interest as shall be agreed upon between the said common council and the lenders of said money, not exceeding seven per cent per annum, and such interest may be made payable periodically at such times as shall be agreed upon as aforesaid. The said bonds shall not be sold below par by the city of Utica.

Interest on bonds.

Tax.

§ 2. The principal moneys and the interest to become payable upon the bonds to be executed pursuant to the first section of this act, shall be levied and collected upon and out of the taxable property of the said city in season to pay the same according to the exigency of said bonds, in the same manner as other city taxes are by law required to be levied and collected.

Common council to borrow money.

§ 3. The said common council of the city of Utica, is hereby authorized and required annually hereafter, while the moneys borrowed pursuant to the act hereby amended shall remain unpaid, to cause to be levied and collected upon and out of the said taxable property in manner aforesaid, the sum of fifteen thousand dollars, for the purpose of satisfying and discharging the interest upon the said debt of two hundred and fifty thousand dollars, and also such sum as shall be necessary to pay the interest on any moneys to be borrowed to satisfy the interest which shall become payable on the first day of May preceding the time of the collecting the said interest moneys in each year. And the said common council is hereby authorized and required annually to borrow upon the bonds of the said city, to be executed in the manner aforesaid, the amounts which may be necessary to make the aforesaid payments of interest to become due on the first day of May aforesaid; but the bonds to be issued pursuant to this section shall be made payable on or before the first day of December next after the same shall be issued.

§ 4. The moneys to be borrowed and the moneys to be

raised by taxation pursuant to this act, shall be strictly appropriated for the purposes for which the same are borrowed and raised according to the provisions herein contained, and shall not upon any pretence be appropriated or applied to any other purposes whatever.

§ 5. This act shall take effect immediately upon the passage thereof.

Chap. 2.

AN ACT to provide for certain expenses of government.

Passed February 8th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for postage on documents forwarded and newspapers received and forwarded by members and officers of the legislature; to be paid by the treasurer on the warrant of the comptroller, to the postmaster of the city of Albany monthly, on his presenting satisfactory vouchers therefor.

§ 2. This act shall take effect immediately.

Chap. 3.

AN ACT to change the name of Richard Monroe and Emma Elizabeth Kenmore to Richard Monroe Fisk and Emma Elizabeth Fisk.

Passed February 8th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this act Richard Monroe and Emma Elizabeth Kenmore, adopted children of Ephraim Fisk, Junior, of Java, Wyoming county, in said state, shall be known and designated respectively by the name of Richard Monroe Fisk and Emma Elizabeth Fisk.

Chap. 4.

AN ACT relating to the village of Wellsville.

Passed February 8, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Annual election.

SECTION 1. The annual meeting for the election of corporate officers of the village of Wellsville (except in cases of elections to fill vacancies), shall be held on the fourth Tuesday of February in each year; and such officers so elected, shall hold their offices until the first Tuesday in March of the year next succeeding that in which they were elected.

§ 2. In all actions, prosecutions or proceedings at law, by or against said village, the order of the court of sessions

of the county of Allegany, made pursuant to the provisions of the ninth section of the act entitled "An act to provide for the incorporation of villages," passed December seventh eighteen hundred and forty-seven, together with the papers and certificate made in pursuance of the fourteenth section of said act, or the record thereof, or a transcript from such record, certified by the clerk of Allegany county, shall be presumptive evidence of the facts therein respectively stated, and of the incorporation of said village of Wellsville.

§ 3. This act shall take effect immediately.

Chap. 5.

AN ACT authorizing the appointment of a place for holding town meeting in Shawangunk, Ulster county.

Passed February 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The justices of the peace and the town clerk of the town of Shawangunk, Ulster county, are hereby authorized to meet at the house of Josiah Milspaugh, in said town, on the twentieth day of February, one thousand eight hundred and fifty-eight, at two o'clock P. M., and they, or a majority of them, shall there proceed to designate some suitable and convenient place in said town, at which the next annual town meeting therein shall be held, (appointed March second, eighteen hundred and fifty-eight), if in their judgment the prevalence of a contagious disease at and near the place already designated for holding said town meeting shall render it necessary and proper to do.

Justices of peace to meet and designate place for holding town meeting.

§ 2. Such designation, if made by them, shall be in writing, and signed by them or a majority of them, and filed in the town clerk's office, and they shall also cause notice of the place so designated, to be posted up in at least six of the most public places of said town, and said next

Place designated in writing, &c. Notice to be given of such designation.

annual town meeting, in March second, eighteen hundred and fifty-eight, shall then be held at the place so designated, and also any meeting of any of the town officers previous thereto, which is now required to be held at the place where the last town meeting was held, and the elections to be held, and all business to be transacted at said designated place shall be as valid and effectual for all purposes, as if held and done at the place designated at the last annual town meeting.

§ 3. This act shall take effect immediately.

Chap. 6.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Hudson," passed April tenth, eighteen hundred and fifty-four, as amended by an act passed April fifteenth, eighteen hundred and fifty-seven.

Passed February 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Hudson," passed April tenth, eighteen hundred and fifty-four, as amended by an act passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended so that the same shall read as follows:

Officers.

§ 4. The officers of the city shall be denominated city officers and ward officers. The city officers shall be a mayor, recorder, police justice, marshal, city treasurer, three assessors, street commissioner, one justice of the peace and two overseers of the poor, who shall be chosen by ballot by the electors of said city, and a clerk of the common council and of the mayor's court, three superintendents of

schools, messenger, city surveyor, sexton, sealer, keeper of the city jail and pound master, two scavengers and hog-howards, three fence viewers, keeper of the powder house, city crier, and such number of commissioners of deeds as shall be fixed by the common council, pursuant to law, and such number of watchmen and policemen as the common council may deem proper and expedient, who shall be appointed by the common council by a vote of a majority of all the members thereof; there shall be one chief engineer of the fire department, who shall hold his office for two years, and be elected by the firemen of the city at such time and under such regulations as the common council may prescribe, and to be confirmed by them; and in case of a failure to elect or of a vacancy, the common council to appoint.

Watchmen
and police-
men.

Section five of said act is hereby amended so as to read as follows :

§ 5. There shall be elected annually (at the time of the election of city and ward officers), by ballot, by the electors of the first and second wards, one supervisor, and likewise by the electors of the third and fourth wards one supervisor, who shall be supervisors of the first and second ward and of the third and fourth wards respectively. Supervisors shall be voted for upon the ballots to be endorsed "ward," hereinafter mentioned.

Supervisors.

Section six of said act is hereby amended so as to read as follows :

§ 6. The ward officers shall be in each ward two aldermen, one constable, who shall be chosen by ballot by the electors of their respective wards; and so many inspectors of elections as the laws relative to elections require, who shall be elected or appointed as therein provided.

Ward officers.

Section seven of said act is hereby amended so as to read as follows :

§ 7. The annual election for city and ward officers shall be held on the first Tuesday of December. The polls for such election shall be opened at such places as the common council may designate, and all laws relating to general elections shall apply to such election. The first election under this act shall be held on the first Tuesday of December, in the year one thousand eight hundred and fifty-eight.

Annual election.

Section eleven of said act is hereby amended so as to read as follows :

Officers
when to
enter upon
duty.

§ 11. All officers chosen by the electors of the city shall enter upon the duties of their office on the first day of January next succeeding their election, and continue in office—the mayor, recorder, police justice and aldermen two years, assessors three years, justice of the peace four years, and all other elective officers one year. Except that the following officers elected at the first election held under this act, shall hold their offices for the following terms, to wit: The recorder one year, one assessor three years, and one assessor two years; one alderman in each ward one year, and one alderman in each ward two years; the terms for which the said assessors and aldermen are severally elected at said first election, shall be designated on the ballots. All elective officers in office on the thirty-first day of December, one thousand eight hundred and fifty-seven, shall hold over and continue in office until the first day of January, one thousand eight hundred and fifty-nine, and until their successors are elected and qualified. The assessor now in office, and whose term of office will expire on the first day of January, one thousand eight hundred and sixty, shall continue in office until the expiration of such term. All officers of the city of Hudson, hereafter elected, shall continue in office until their successors are elected and qualified.

Officers to
continue in
office.

Section sixteen of said act is hereby amended so as to read as follows:

Term of re-
corder.

§ 16. The recorder shall be elected for two years. He shall be a member of the common council, and shall receive from said city for his services in behalf of said city as such recorder, an annual salary of two hundred dollars, payable quarterly. He shall possess such powers as are prescribed in this act, and as are now provided by law.

Section eighteen of said act is hereby amended so as to read as follows:

Justice of
peace, duties
of.

§ 18. The justice of the peace in said city shall possess the same jurisdiction in civil cases which is vested in justices of the peace in towns, but shall in no case possess or exercise any jurisdiction in criminal cases. He shall, by virtue of his office, be a commissioner of deeds in and for the city of Hudson. In case of sickness, absence, or inability of the justice of the peace to act, or in case of a vacancy in the office of justice of the peace, it shall be the duty of the recorder to perform the duties of such justice, and he is hereby by virtue of his office, invested with all the powers, jurisdiction and authority of such justice of the

peace (for the time being), and shall be entitled to receive the fees and emoluments of such office, and shall pay such fees into the city treasury.

Section forty-three of said act is hereby amended so as to read as follows:

§ 43. The common council shall have power in each year ~~Tax~~ to raise by ~~tax~~ a sum not to exceed fourteen thousand dollars, for the following purposes:

1. For paying the interest upon the city debt, and such part of the principal thereof as may annually be due and payable.
2. For lighting the streets of the city.
3. For defraying the expenses of watch and police.
4. For providing necessary apparatus and means for the prevention and extinguishment of fires.
5. For defraying the contingent expenses of the city.
6. For defraying the expenses of public improvements proper to be borne by the city.
7. For making and repairing streets, highways and bridges.
8. For the support and contingent expenses of schools.

Section forty-four of said act is hereby amended so as to read as follows:

§ 44. In addition to the tax provided in the preceding section of this title, the common council shall first cause a roll of all persons in each ward who would be liable to be assessed for work on highways, if the city were a town, to be made by the assessors, and shall then impose upon each of such persons a tax of not less than fifty cents or more than one dollar, as a poll tax for the making and repairing of streets, highways and bridges. The common council shall then cause two copies to be made of the last assessment roll made by the assessors for the city, with columns prepared for the insertion of the poll tax, and taxes upon real and personal estate; they shall then cause to be inserted therein the poll taxes to be imposed upon the persons resident in said city; they shall then impose upon the persons and property assessed in the assessment roll of the city, the amount of tax to be raised under the provisions of said section, and also the amount of any other tax, or tax for extraordinary purposes which may be required or authorized by law. The amount to be paid by each person and each property shall be entered in appropriate columns, and when the taxes shall be entered therein and properly

corrected, the roll shall be signed by the mayor and clerk. To which shall be added and annexed thereto a warrant under the corporate seal of the city, signed by the mayor and attested by the clerk, directed to and requiring the city treasurer to collect all taxes due therein within such time as shall be specified by the board of supervisors of Columbia county in each year for the collection of the county taxes, and one copy of said rolls shall be immediately filed with the clerk, and the other delivered to the treasurer. They shall thereafter be called the tax lists.

Chap. 7.

AN ACT to enable the town of Mooers, in the county of Clinton, to raise money for bridges.

Passed February 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town to
borrow
money.

§ 1. The supervisor of the town of Mooers, in Clinton county, is hereby authorized to borrow on the credit of that town, or to raise by tax on the property of said town, a sum not exceeding twelve hundred dollars, in addition to such sums as the several towns of this state are now by law authorized to raise for roads and bridges, provided the electors of said town of Mooers, at their next annual town meeting, shall vote in favor of raising said sum not exceeding twelve hundred dollars.

Comptroller
of state to
loan.

§ 2. The comptroller of the state of New York is hereby authorized to loan said sum to said town out of any moneys belonging to the common school fund on receiving the security hereinafter specified. The supervisor of said town of Mooers is authorized to execute his official bond to said comptroller, or to such other party as shall make such loan, conditioned for the payment thereof in five equal annual instalments, with annual interest; and in case said loan shall be made, it shall be the duty of the board of su-

pervisors of Clinton county annually to raise by tax on the taxable property in said town, at the same time the county tax is raised, such sum as shall be sufficient to pay each instalment of said loan as the same shall become due, with the annual interest thereon, until the whole sum with interest shall be paid; and the amount so annually raised shall be paid to said supervisor or his successors in office, and shall be applied in payment of said instalments and interest.

§ 3. The amount of such loan shall be drawn only on the order of said supervisor, and shall not be paid to the commissioners of highways of said town until they shall execute with sufficient sureties, to be approved by the board of town auditors of said town, a bond to said supervisors conditioned for the faithful application of said moneys for the rebuilding and repairing bridges in said town, and to account therefor as they are required by law to account for moneys officially received.

§ 4. This act shall take effect immediately.

Chap. 8.

AN ACT to extend the time for the collection of taxes.

Passed February 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any collector of taxes in any of the towns and cities of this state, by complying with the first section of an act entitled "An act authorizing the extension of time for the collection of taxes in the several towns and cities of this state," passed January thirty-first, eighteen hundred and fifty-seven (except such cities as are exempt by the second section of said act), may have the time extended to a period not later than the first Monday of April, eighteen hundred and fifty-eight.

§ 2. This act shall take effect immediately.

Chap. 9:

AN ACT to authorize the town of Champlain to borrow money for the purpose of erecting and repairing bridges in said town, and to provide for the payment of the same by tax.

Passed February 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Town to borrow money.

SECTION 1. The town of Champlain is hereby authorized to borrow, upon the credit of said town, such sum not exceeding eight thousand dollars, as a majority of the taxable inhabitants of said town present and voting at the next annual town meeting, shall decide it is expedient to raise, to be expended by the commissioners of highways of said town, in the erection and repairing of bridges.

Supervisor to execute bond, &c.

§ 2. In case a majority of the taxable inhabitants present at such meeting, shall decide to raise a sum of money not exceeding said sum of eight thousand dollars for the purposes aforesaid, it shall be the duty of the town clerk, immediately thereafter, to certify in writing to the supervisor of said town, the amount so decided to be raised; and, upon the receipt of such certificate, it shall be the duty of such supervisor to execute and deliver to the commissioners of highways of said town, a bond in his name of office, for the payment to the said commissioners or their assigns, of the sum so certified to be raised, in equal annual instalments of one thousand dollars each, from the first day of April, eighteen hundred and fifty-eight, with interest annually on the whole sum remaining unpaid at the time of the payment of each annual instalment of principal.

Duties of commissioners of highways.

§ 3. The commissioners of highways of said town, before receiving such bond from the supervisor, shall execute under their hands and seals, with at least two sufficient sureties, an undertaking to the said supervisor, to be approved by him and filed with the town clerk of said town, conditioned for the faithful and honest application of all moneys which may come into their hands by reason of the provisions of this act.

§ 4. Upon the receipt of such bond by the said commissioners, it shall be lawful for them to assign and transfer the same to any person or persons, or corporation, who shall pay to such commissioners the amount of principal money agreed to be paid by said bond, without discount or deduction; and such bond, when executed and assigned, shall be deemed to be, and shall be in law a valid debt against the said town of Champlain.

§ 5. It shall be the duty of the board of supervisors of the county of Clinton, at their next annual session, to levy and assess on the taxable property of said town, in the same manner as other town charges are levied and assessed, a sum sufficient to pay the first instalment of principal and interest, to become due by said bond on the first day of April, eighteen hundred and fifty-nine; which sum shall be collected in the manner provided by law for the collection of other town charges, and shall be paid by the collector to the treasurer of said county, to be by him paid upon such bond. And it shall be the duty of said board of supervisors, at each successive annual session of such board, to provide in the manner above specified for the payment of the remaining instalments and interest, to become due in each year until the said bond shall be fully paid and satisfied, and which amounts respectively, shall be collected and paid over in each year as above provided.

§ 6. This act shall take effect immediately.

Chap. 10.

AN ACT to amend an act entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, eighteen hundred and fifty-four.

Passed February 18th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Law amend-
ed.

SECTION 1. The act entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, eighteen hundred and fifty-four, is hereby amended by adding thereto the following sections:

Corporation,
how dis-
solved.

§ 28. Whenever the directors of any such corporation, or a majority of them shall, for any reason, deem it beneficial to the interests of the stockholders that such corporation should be dissolved, they may apply by petition to any court of record of superior jurisdiction, or a judge or justice thereof sitting or residing in the county in which an office or place of business of such corporation is located, for a decree dissolving such corporation pursuant to the provisions of this act.

Petition.

§ 29. Every such petition shall contain a statement of the reasons why the petitioners desire a dissolution of such corporation, and it shall be sufficient to annex thereto:

Statement.

1. A general statement of the nature, kind and value of the property and assets of such corporation, so far as known to such petitioners.

To accom-
pany peti-
tion.

2. The amount of capital stock of such corporation subscribed, and the amount paid thereon.

3. The names and places of residence of the stockholders, and the number of shares held by them respectively, so far as the same are known to such petitioners.

4. A statement of all mortgages, judgments and other incumbrances upon the property of such corporation, so far as the same are known to such petitioners.

5. A statement of the amount of the indebtedness of such corporation, as nearly as such petitioners have been able to ascertain the same, and so far as they are able, the names

and residences of such of the creditors as are non-residents of the county in which the petition shall be presented, and the amount due to them respectively.

§ 30. To every such petition there shall be annexed an affidavit of the petitioners or the president and secretary of the corporation, that the facts stated in such petition, and in the accounts, inventories and statements contained therein or annexed thereto, are true to the best of the knowledge, information and belief of the persons making such affidavit. Affidavit to petition.

§ 31. Upon such petition, statement, accounts, inventories and affidavit being presented to such court, judge or justice, they shall direct the same to be filed and an order to be entered in the proper clerk's office, requiring all persons interested in such corporation to show cause, if any they have, before the same court, judge or justice, at a time and place to be specified in such order, why such corporation should not be dissolved, and notice that such application has been made, and of the time and place for hearing the same, shall be published for at least ten days before the day of hearing in one or more daily newspapers, as such court, judge or justice shall by such order direct. Such court, judge or justice shall also require such notice, of at least ten days, to be served by mail or otherwise on such of the creditors and stockholders of such corporation, so far as known. Petition, &c., to be filed and order entered to persons interested, &c.

§ 32. At the time and place appointed in such order, such court, judge or justice shall proceed to consider such application, and shall hear the parties interested, and such proofs as may be presented, and may adjourn the hearing from time to time as shall be necessary. If it shall appear to such court, judge or justice, that for any reason, a dissolution of such corporation will be beneficial to the stockholders, and not injurious to its creditors, or to the public interests, an order or decree shall be made and entered appointing one or more receivers of its estate and effects. Parties to be heard by court, &c.

§ 33. Any of the directors or officers of such corporation, or any of its stockholders, may be appointed such receivers or receiver. Before entering upon the duties of their appointment, they shall give and perfect such security to the people of this state as such court, judge or justice shall direct, conditioned for the faithful performance of the duties of their appointment, and for the due accounting for all moneys which may come to their hands as such receivers. Directors may be receivers.

§ 34. Upon perfecting and filing such security as herein-

Security
filed, &c.

before required, an order shall be made and entered dissolving such corporation, and it shall thereupon cease and be dissolved; and such receiver or receivers shall thereupon be vested with all the real and personal estate and property which such corporation was possessed of or entitled to at the time of filing such petition, or at any time thereafter, and shall be trustees of such estate and property for the benefit of the creditors and stockholders of such corporation.

Creditor
when to be
paid.

§ 35. When there are sufficient funds on hand to pay off and discharge any one or more creditors, the said receiver may, with the assent of the other creditors, appropriate such funds exclusively to the payment of any debts, or with the consent of all the creditors, unprovided for by the funds on hand, may pay any debt in any of the assets or property of the said corporation. After any debts shall have been provided for or paid as aforesaid, the property and assets of the said corporation, with the consent of all the remaining creditors, may be sold upon such terms in all respects, either payable in stock or otherwise, as the said judge, court or justice may deem expedient for the interests of all parties interested therein.

Court to issue orders
authorizing
sale of security, &c.

§ 36. Such court, judge or justice may from time to time make such orders authorizing the sale by such receiver or receivers, at public auction or otherwise, upon such terms of payment, upon credit (not exceeding two years) or otherwise, and upon such security, as shall be deemed for the interest of the creditors and stockholders of such corporation, and may also from time to time make such orders and give such directions as may be expedient and proper in reference to the duties of such receiver or receivers, the closing up of the affairs of such corporation, the liquidation and payment of its debts and liabilities, and the distribution among the stockholders of any surplus which may remain of its property and assets.

Inability of
judge, &c.,
to attend.

§ 37. In case of the inability, from absence or any cause, of any judge or justice before whom any proceedings under this act are pending, to act therein, such proceedings may be continued before any other judge or justice of the same court, or of the supreme court in that judicial district.

Provisions of
revised statutes
to apply
to receivers
under this
act.

§ 38. The provisions of article third of title four, chapter eight, part third of the revised statutes, so far as they relate to the powers and duties of receivers, and the distribution and disposition of the property and estates of corpo-

rations, on the voluntary dissolution thereof, and are not inconsistent with the provisions of this act, shall apply to receivers appointed, and the property and estates of corporations dissolved under this act, but nothing in this section contained shall be taken or construed to limit or restrain the powers hereinbefore conferred by this act on the court, judge or justice therein mentioned.

§ 39. This act shall take effect immediately.

Chap. 11.

AN ACT to amend an act entitled "An act for the construction of a workhouse in the county of Monroe," passed May 27th, 1853.

Passed February 18th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fourteen of an act entitled "An act ^{Law amend-} for the construction of a work-house in the county of Monroe" is hereby amended so as to read as follows :

§ 14. It shall be lawful for the board of Supervisors in ^{Supervisors of certain counties to} either of the counties of Livingston, Steuben, Yates, Seneca, Ontario, Wayne, Orleans, Genesee and Niagara, to ^{make agree-} enter into an agreement with the board of supervisors of ^{ment, &c., to} the county of Monroe (or with any person in their behalf ^{send persons to said work} and by them appointed), to receive and keep in said work-house any person or persons, who may be sentenced in either of said counties to confinement in the jail of said county, for any time not less than three months; and it shall be the duty of the sheriff of any of the said counties for which such agreement may be made as aforesaid, upon receiving notice thereof in writing from the board of supervisors of such county, to convey all persons sentenced to confinement in the jail of said county, for a term not less

than three months, to the said work-house; and the superintendent of said work-house shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said work-house; and the officer conveying such convicts to said work-house, shall be paid by the county from which they are sent, such fees for said conveyance as the board of supervisors of said county shall direct.

§ 2. This act shall take effect immediately.

Chap. 12.

AN ACT to provide for the payment of certain persons for services performed while acting as officers of the Assembly.

Passed February 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the several sums, for the purposes and to the persons respectively, hereinafter specified:

To William Richardson, as clerk of the assembly, in addition to the amount provided by law, the sum of three hundred dollars.

To William E. Mills, Cornelius S. Underwood, Luther Caldwell and Edwin A. Merritt, as acting deputy clerks, each the sum of six dollars per day for each days actual service, to be paid on an affidavit of such service and the certificate of the speaker.

To E. S. Payne, as acting librarian, Smith Phillips, acting assistant librarian, Norman P. Hitchcock, as acting sergeant-at-arms, Daniel M. Prescott, as acting assistant sergeant-at-arms, Levi Freeman, as acting post-master, Hugh Magee, as acting assistant post-master, Guerdon B.

Taylor, as acting janitor, Eliakim A. Chase, as keeper of the assembly chamber, George C. Dennis, as acting door-keeper, John Lewis, Joseph D. Grinell, John F. Curtis, A. H. Stoughtenburgh, John B. Stonehouse, Sluman Frink, Abraham Minier and Samuel N. Rogers, as acting assistant door-keepers, each three dollars per day for services actually rendered, to be certified by the speaker on the affidavit of the individual rendering such service, and mileage to each of the aforementioned officers the same as is paid to members of the Legislature. To Andrew Harbeck, Nelson L. Arms, Daniel W. Merchant, Edward Vedder, John S. Guardianier, each the sum of two dollars per day. To each of the other messengers of the assembly the sum of one dollar and fifty cents per day. Each of the messengers shall be paid for their services during the time that they were actually in the performance of their duties respectively, to be paid in each case on the certificate of the speaker.

§ 2. This act shall take effect immediately.

Chap. 13.

AN ACT relating to the fisheries in the towns of New Utrecht and Gravesend, in the county of Kings.

Passed February 25th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the freeholders and inhabitants of the towns of New Utrecht and Gravesend, to continue to set fikes or hoop nets, and to drive the necessary poles and stakes for the same, in New Utrecht and Gravesend bay, between a point one thousand feet south of the United States dock at Fort Hamilton, Narrows and Coney island, as provided in chapter thirty-first of the laws of eighteen hundred and twenty, and chapter one hundred and twenty-seven of the laws of eighteen hundred

and thirty-six, any law to the contrary thereof notwithstanding; but nothing herein contained shall be construed to allow said freeholders and inhabitants of said towns to set fikes or hoop nets or to drive the necessary poles and stakes for the same beyond the line established under the said acts of eighteen hundred and twenty and eighteen hundred and thirty-six, or to prevent the board of supervisors of the county of Kings from exercising the powers vested in them by section four, subdivision thirteen, of chapter one hundred and ninety-four of the laws of eighteen hundred and forty-nine; nor shall it be deemed to authorize the placing of fish poles to the west of a line drawn from the bulkhead of the said United States dock, and the north east extremity of Coney Island.

§ 2. This act shall take effect immediately.

Chap. 14.

AN ACT to revive, amend and continue the charter of the village of Lowville, in the county of Lewis, and to legalize a vote of the taxable inhabitants thereof.

Passed February 27th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The village of Lowville having been incorporated under the provisions of an act of the legislature of this state entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, shall not be deemed to have lost its corporate rights, powers and privileges in any respect, by reason of anything heretofore done or omitted to be done by said village or the inhabitants or the officers thereof; and the said village is to be deemed a corporation for all purposes under the act of the legislature aforesaid.

§ 2. The persons elected trustees of said village at the

election last held for the election of village officers in said village, shall be the trustees of said village until the election of their successors at the next election of officers in said village, which election shall be held on the last Tuesday in April next after the passage of this act, and in the manner required by the provisions of the said act entitled "An act to provide for the incorporation of villages," passed December seventh eighteen hundred and forty-seven and the annual elections for officers in said village shall be held (after the said first election hereinbefore provided for) on the first Tuesday in March in each and every year pursuant to said act entitled "An act to provide for the incorporation of villages" passed December seventh, eighteen hundred and forty-seven. The first election after the passage of this act shall take place the last Tuesday in April next.

§ 3. The trustees of said village of Lowville, hereafter elected, are hereby authorized to assess, levy and collect, from the estates real and personal in said village, the sum of eight hundred dollars, for the purpose of procuring a fire engine and fixtures for the use of said village, in accordance with a vote of the taxable inhabitants of said village on the first day of August, eighteen hundred and fifty-seven.

§ 4. Nothing in this act shall be so construed as to effect the legal rights of any parties affected by any act or neglect of the trustees of said village.

§ 5. This act shall take effect immediately.

Chap. 15.

AN ACT to create a new ward in the city of Rochester.

Passed February 27, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that portion of the present ninth ward of the city of Rochester lying on the westerly side of the center line of the Erie canal, is hereby erected into a new ward which shall be called the eleventh ward of the city of Rochester, and the remaining portion of the present ninth ward shall be and remain the ninth ward of the city of Rochester; and the officers of the present ninth ward shall continue for the terms for which they have been elected or appointed, the officers of the ward in which they may reside, and the said new ninth and eleventh wards shall be entitled to have and elect the same officers, for the same terms and with the same powers as provided by law for the other wards of said city.

§ 2. At the annual election to be held in said city of Rochester, on the first Tuesday of March, eighteen hundred and fifty-eight, there shall be elected in and by the said eleventh ward, two aldermen for the same, one for the term of one year and one for the term of two years.

§ 3. This act shall take effect immediately.

Chap. 16.

AN ACT to annex a part of the town of Clermont to the town of Germantown, in the county of Columbia.

Passed March 2d, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of the town of Clermont, in the county of Columbia, lying northerly of the north line of the town of Germantown, in the said county, to be extended easterly to the southwesterly bank of the Roeliff Jansens kill, so as to embrace all the territory lying northerly of said extended line, from the Hudson river to the Roeliff Jansens kill, shall be and hereby is taken from the town of Clermont, and annexed to and constituted a part of the town of Germantown, in the county of Columbia.

§ 2. This act shall take effect immediately.

Chap. 17.

AN ACT to establish and amend the charter of the village of Deposit.

Passed March 2, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. Henry P. Ensign, William L. Ford and Sylvester D. Hulce, are hereby constituted a board of inspectors ^{inspectors of election.} for a charter election in and for the village of Deposit, and are authorized to call and hold an election in said village

Term of
office.

on the second Tuesday of March, eighteen hundred and fifty-eight; such call shall be made, and the election held, in pursuance of the provisions of the charter of said village; and the officers thus elected shall hold their offices until the third Tuesday in March, eighteen hundred and fifty-nine, and shall have the same powers and duties, and be subject to the same requirements, as if such election had been the annual election of said village, under the general charter thereof, which is hereby affirmed in all its provisions (not inconsistent with this act) to be in full force and virtue, the same as if there had been no failure to elect officers under said charter; and in case the annual election shall hereafter not be called and held as required by law, a special election in place thereof may be called by any fifteen freeholders of said village; and any justice of the peace residing in said village, together with two of said freeholders [designated by said fifteen] shall be a board of inspectors of and for such election, which shall be held in the same manner, and with the same effect, as if called and held by the trustees of said village.

Power of
trustees.

§ 2. Authority is hereby vested in the trustees of said village, to assess and collect annually a sum not exceeding fifty dollars in any one year, for the use of the fire department of said village, without a vote of the inhabitants thereof, in the same manner as other village taxes are levied and collected; such money shall be accounted for by the trustees, at the same time and in like manner as all other money raised by tax in said village.

Limits of
village and
road district.

§ 3. The territory embraced within the corporate limits of said village, is hereby constituted a separate road district; and the trustees of said village shall be and are hereby made commissioners of highways in and for said village, with the same powers and duties as commissioners of highways of towns and shall make report to the several towns of Tompkins and Sandford, the same as commissioners of highways; and are hereby vested with authority to cause such part of the highway labor of said village as they shall deem for the best interest of said village, to be laid out on the sidewalks, crosswalks and sewers of said village, as shall by a legal vote of the same, be ordered to be built or repaired.

Street com-
missioner
to be elected,
&c.

§ 4. At each annual election held in said village for the election of officers, there shall be chosen by ballot one street commissioner, who shall possess all the powers, and be sub-

ject to all the duties and penalties, of overseers of highways. He shall cause all the highway labor assessed in said district to be performed, and money raised for said purpose, to be laid out in such manner as the trustees shall direct; and shall, at least fifteen days prior to the annual election, and oftener if required by the trustees, render a full account, verified by oath, of the number of days worked, and by whom; the amount of money collected and expended by him, from whom received, and to whom and for what purpose paid; and shall pay over to the trustees any moneys remaining in his hands; and shall receive for his services such compensation as the trustees may direct, not to exceed one dollar and twenty-five cents per day for each day's services actually rendered, the same to be paid out of the highway fund.

§ 5. No person, corporation or property, shall be compelled to build or repair any sidewalks within such village, in any one year, to a greater amount than the value of the highway tax assessed upon such person, corporation or property. The value of any such sidewalks or repairs shall be determined by the board of trustees, who shall give a receipt therefor, which shall be a legal offset against any highway tax assessed on such person, corporation or property in said village.

§ 6. All notices or other publications required by law to be published in the county of Delaware, and all notices or other publications required by law to be published in the county of Broome, may be published in any newspaper printed and published in said village, and shall be regarded, and shall have the same effect, as if the same were published in the counties of Delaware and Broome, or either of them.

§ 7. The jurisdiction of all justices of the peace, notaries public, and of all constables residing in said village, shall be co-extensive with the bounds thereof, after filing a certificate of their election and term of office, in the clerk's office of each of the counties of Delaware and Broome, in which said village is situated; and all returns, transcripts, acknowledgments, and other papers, made and executed by or before said justices, notaries public or constable, shall be of full force, and entitled to filing, record and credence, in each and either of the said counties, the same as if such justice, notary public or constable, resided in the same.

§ 8. The whole amount of tax to be raised in said vil-

lage in any one year, shall not exceed three hundred dollars.

§ 9. This act shall take effect immediately.

Chap. 18.

AN ACT to amend an act entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December seventh, eighteen hundred and forty-seven, as far as the same relates to the village of Tonawanda," passed March seventh, eighteen hundred and fifty-four.

Passed March 2d, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The twenty-ninth section of said act is hereby amended so as to read as follows :

Trustees to divide the village.

§ 29. The trustees in office at the time when this act takes effect, shall immediately divide the village into three wards, each to be composed of contiguous territory, and containing, as near as may be, equal population; and at each annual election after such division, the electors residing in each ward shall elect two trustees for such ward, who shall be residents therein; and the electors of said village shall also elect a president by ballot, which president, together with the several trustees elected in the said wards, shall be the board of trustees of said village, and shall possess all the powers and perform all the duties enjoined and conferred on the trustees by this or any other act relating to or affecting the village of Tonawanda; and whenever the trustees are required to sign any warrant, or other paper or instrument, it shall be sufficient for the said president to sign such warrant, paper or instrument, and the same shall be countersigned by the clerk of said village.

§ 2. This act shall take effect immediately.

Chap. 19.

AN ACT to incorporate the Long Island College Hospital of the city of Brooklyn.

Passed March 6th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Samuel W. Slocum, Cornelius Dever, Harry Messenger, Livingston K. Miller, Daniel Chauncey, C. Nestell Bovee, and their associates, are hereby constituted and appointed a body corporate and politic, in fact and in name, by the name and style of "The Long Island College Hospital of the city of Brooklyn for the purpose of establishing and maintaining a public hospital in the city of Brooklyn, and of promoting medical science and instruction in the department of learning connected therewith; and by that name they and their successors shall be capable of taking by direct purchase or otherwise, and holding and conveying any real and personal estate for the purposes of the said corporation, and none other; the annual income of which estate shall not exceed at any time the sum of ten thousand dollars.

§ 2. Any person, upon the payment of ten dollars annually or one hundred dollars at one time to the treasurer of the said corporation, for the use thereof, may become a member of the said corporation, and shall be entitled to vote at any election to be held in virtue of this act.

§ 3. No religious test shall be required for general membership, nor for eligibility to any office in this institution, nor for admission as a patient.

§ 4. To carry into effect the objects of the said corporation, the members thereof shall, at an annual meeting to be held at such time and place as the by-laws of the said corporation shall direct and appoint, elect from their own number by ballot, and by a majority of the votes given at such election, five persons as regents of the said corporation (but no physician or surgeon shall be eligible to act as a regent); and the persons so elected, together with those whose term of service has not yet expired, shall constitute

Term of office.

a board of regents. The regents so elected shall hold their offices until others are elected in their places. In case of any vacancy by resignation or otherwise in the board, the remainder of the regents shall have power to fill such vacancies.

Board of regents.

§ 5. The board of regents shall consist of twenty-five members, and the following persons shall; until the first annual election be held, constitute the first board: Samuel W. Slocum, Harry Messenger, C. Nestell Bovee, Livingston K. Miller, Theodore Polhemus, Abraham B. Baylis, Alfred Large, Richard L. Delisser, Cornelius Dever, Daniel Chauncey, Joseph Hegeman, James S. Bronson, Nathaniel E. James, Charles Christmas, Harold Dollmer, Nicholas Luqueer, Eugene O. Sullivan, Samuel Smith, Jacques Cortelyou, John T. Moore, Joseph W. Green, Luther B. Wyman, Henry F. Vail, Robert H. Berdell, George F. Thomae. They shall, as soon as may be convenient after their appointment, divide themselves into five sections of five members each, and proceed to decide by lot their relative term of service, for one, two, three, four or five years. As their terms expire they shall be replaced as provided in section four.

Quorum of regents.

§ 6. Ten regents, including the president or vice president, shall constitute a quorum for the transaction of ordinary business; but for the alienation of any of the real or personal estate of the said corporation, or the leasing of any of the real estate thereof for a longer time than one year, the consent of three-fourths of all the members of the said board shall be necessary.

President, vice president, etc.

§ 7. The board of regents shall annually elect by ballot, from among their own members, a president, a vice president, a secretary, and a treasurer, who shall hold their respective offices for one year and until others are elected in their stead.

Powers of board of regents.

§ 8. The said board of regents shall have full power to manage and conduct all the business and concerns of the said corporation, to make all such by-laws as may be necessary in conformity with this charter and the statutes of the state of New York, relative to the management and disposition of the estate and concerns of the said corporation, and to appoint such officers as they may deem necessary in addition to those hereinafter specially designated.

Degree of doctor of medicine.

§ 9. The regents for the time being shall have power to grant and confer the degree of doctor of medicine upon the

recommendation of the faculty and council of said institution; but no person shall receive a diploma conferring such degree unless he shall be twenty-one years of age, and shall have received at least a good education, and have pursued the study of medical science at least three years after the age of sixteen with some physician and surgeon duly licensed by law to practice his profession, and shall also, after that age, have attended two complete courses of lectures delivered in an incorporated medical college, the last of which courses shall have been delivered by the professors of this college. In testimony of conferring the above honor, a diploma shall be provided and signed by the president and secretary, and by the professors of said institution, to which shall be affixed the corporate seal; which said diploma shall have the same force and effect (as a license to practice physic and surgery) as are given by law to the licenses granted by any incorporated medical society in this state.

§ 10. The department of instruction shall be subject to the visitation of the regents of the university of this state, ^{Regents of university to visit.} and shall annually report to them.

§ 11. There shall be a medical council and a faculty of ^{Medical council.} physicians, surgeons and professors, who, together with all medical and surgical assistants that may be required, shall be appointed by the regents as hereinafter provided.

§ 12. The first council shall consist of four members of ^{First council} medical professors, who, together with the first faculty, shall be appointed by the first board of regents. They shall all hold their appointments during good behavior, and shall only be removed upon a satisfactory impeachment of their competency, efficiency or conduct, by a majority of their colleagues or by three or more of the board of regents. The parties so impeached shall be entitled to a written and explicit statement of all charges at least twelve days in advance of all action thereon; when a fair hearing and examination of said charges shall be had before a joint meeting composed of not less than fifteen members of the board of regents and a majority of the council and faculty, whose decision by numerical majority shall be final.

§ 13. The council shall never consist of more than ten ^{Council of not more than ten, nor less than four mem- bers.} nor less than four members; and every physician and surgeon who shall have served the institution faithfully and efficiently during a period of five years, and retired honor-

ably therefrom, shall be elected in order of priority, a member of the council. If any other additions shall hereafter become necessary, the candidates shall be nominated by the existing council and faculty, and elected by the board of regents.

Additions to
the faculty
and surgical
assistants.

§ 14. All additions to the faculty or vacancies therein to be filled, shall be thrown open to the whole medical profession as recognized by the "American Medical Association," and it shall be the duty of the council and faculty to institute such a comparison of the relative claims and merits of all applicants as shall secure the most available and suitable persons for such positions. All medical and surgical assistants shall be selected in the same manner. All nominations when made shall be laid before the board of regents, with whom shall remain the final power of appointment; but no such appointment shall be made until approved by the council and faculty.

§ 15. The council and faculty may at all times submit to the board of regents such plans and views for the improvement of the institution as they may jointly mature; but no changes or additions shall be made unless approved and ordered by the regents.

Clergymen
to have ac-
cess to pa-
tients, &c.

§ 16. To all cases which are, in the opinion of the faculty, deemed critical, the clergymen (of the same communion with the patient) shall at all times have access for the purposes of religious ministrations. To all other patients, not in such danger, the clergymen of their own communion shall have free access daily from eight to ten o'clock, A. M., and from four to six o'clock, P. M.; but such privileges shall not be used in opposition to the wishes of the patient, or in such a manner as in the opinion of the regents would disturb other patients, or endanger the general tranquility and decorum of the hospital.

To receive
gift, bequest,
&c.

§ 17. In addition to the powers now conferred, it shall be lawful for the Long Island college hospital to receive any gift, devise or bequest charged with one or more or less estates, or life annuity or a term of years, in which the reversion shall go to the said hospital for the use of such hospital. And on the receipt of any such gift or bequest, the trustees of the said hospital shall cause the same to be invested on bond and mortgage on unincumbered real estate within the state of New York, worth at least double in value of the sum so loaned thereon, and the interest and in-

Investment.

come of such investment shall be paid to the party or par-

ties entitled thereto according to the terms of such gift or bequest.

§ 18. All investments of moneys received by said hospital shall be at the sole risk of said corporation, and for all losses of such moneys the estate and effects of the said corporation shall be absolutely liable.

§ 19. During the month of January in each year, the trustees of the hospital, by their proper officers, shall make a full statement of all such gifts, devises or bequests in such form as one of the justices of the supreme court in said second judicial district shall direct, on or before the thirty-first day of January in each year. Such justice, should he deem it proper, may refer such statement to a referee to make a full and thorough investigation into the affairs and management of such gifts, devices and bequests, and report his opinion in relation to the prudence and safety of the investment. The expense of every investigation so made shall be defrayed by the hospital.

§ 20. All such statements, investigations and reports shall be filed in the office of the clerk of the county of Kings, accompanied by such approval, recommendations or alterations in the investments as the said justices may make; and the said hospital shall obey all such orders or directions as the said justices may make.

§ 21. The corporation hereby created shall possess the powers, and be subject to the provisions of the eighteenth chapter of the first part of the revised statutes, so far as the same are applicable.

Statement to
be made of
all gifts &c.
in January
of each year.

All state-
ments to be
filed in
clerk's office.

Chap. 20.

AN ACT to confirm a lease of mills made by the Seneca nation of Indians to Fay & Bradley.

Passed March 6, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. A certain lease made by the Seneca nation of Indians to Anthony Fay and Samuel W. Bradley, of the Hemlock Island mills, situated on the Allegany river, in the town of Buck tooth, bearing date the first day of February, anno domini one thousand eight hundred and fifty-five, which lease after being made and executed by a committee of the nation duly appointed for that purpose, has been modified, approved and confirmed by the president and council of the said nation in open council convened, and duly recorded in the clerk's office of Cattaraugus county, is hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

Chap. 21.

AN ACT to amend the charter of the Orphan's Home, of the Protestant Episcopal Church, in the city of New York.

Passed March 6, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Authorized
to amend
charter.

SECTION 1. The Orphan's Home, of the Protestant Episcopal church, in New York, a corporation organized under

the act entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," title six, chapter eighteen, part one of the revised statutes, is hereby authorized to amend its charter or constitution by providing that the number of its directors shall hereafter be twenty-four, of whom at least one-half shall be laymen of the Protestant Episcopal church.

§ 2. That the said corporation may at any time hereafter, ^{Directors, number in-} further amend its charter or constitution by increasing the ^{creased.} number of its directors from time to time, as they may deem expedient, to a number not exceeding fifty: and that on every such increase one-half of such additional number shall be laymen as aforesaid.

§ 3. That the said corporation may amend its charter or ^{Directors to} constitution by authorizing its board of directors at any time ^{fill vacan-} between the annual meetings of the society, to fill any vacancies which may occur in any way in their own number, and the directors so elected shall hold their offices until the next annual meeting of the society.

Chap. 22.

AN ACT to enable the electors of the town of Watervliet to vote by districts for the election of town officers.

Passed March 6, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the electors of the town of Watervliet shall hereafter hold their elections by districts, for the election of all town officers required by law to be elected by ballot.

§ 2. The supervisor, assessor and town clerk of the town ^{Town meet-} of Watervliet, shall meet at the town clerk's office in said ^{ing when} town, on the third Monday in March eighteen hundred and ^{held.} fifty-eight, and on the first Monday in March in each year

Adjourn-
ment.

Districts.

Town clerk
to give no-
tice &c.

Town of-
ficers meet
annually
to redistrict
if necessary.

Place in each
district to
hold elec-
tions.

thereafter, at ten o'clock in the forenoon, and form themselves into a board; and in case a majority of said officers for any cause do not attend on that day, it shall be the duty of those who do attend to adjourn to some future day, not exceeding five days, and shall immediately thereupon give notice in writing to those officers who do not attend, of the time of such adjournment; and it shall be the duty of all said officers to attend on said adjourned day, and to proceed in the same manner as though a majority had attended on the day appointed by law; and adjournments from time to time may be had by said officers, as occasion may require; but no adjournment shall extend beyond the fifteen days from time of said first meeting; they shall divide said town into a convenient number of election districts, so that each district shall be in a compact form, and shall contain not less than five hundred electors, as far as the number can be ascertained; they shall make a certificate of such division, under their hands, in which such district shall be numbered and described by known boundaries, which shall be immediately filed in the office of the town clerk.

§ 3. The town clerk shall at least ten days before the annual town meeting, put up copies of the said certificates in at least four public places in each of said districts; and he shall deliver a copy thereof to an inspector for each of said districts, before the day of election.

§ 4. In every succeeding year, the same town officers shall meet at the town clerk's office in the said town, on the first Monday in March, at ten o'clock in the forenoon, and form a board; they shall determine whether any alterations in the election districts be necessary or expedient, and shall have power to make the same; and shall make a certificate of such alterations, describing the districts as altered and their numbers respectively, which certificate shall be filed in the office of the town clerk. Such alterations shall not take effect until after the then next annual election, except in case of the alteration, erection or division of the town, in which case it shall take effect immediately.

§ 5. The said town officers, on the third Monday in March eighteen hundred and fifty-eight, and on the first Monday in March in each year thereafter, shall designate the place in each election district in said town at which elections shall be held during the year; and they shall thereupon give notice, written or printed, of the annual town elections in said district, together with a list of all such

town officers as are to be elected at such elections, to be posted in at least eight public places in each district, at least six days before the holding of such annual town election, which election shall be on the day then next preceding the day on which the annual town meeting is or shall be hereafter held.

§ 6. The said town officers shall also at their meeting on the third Monday in March eighteen hundred and fifty-eight and on the first Monday in March, in each succeeding year thereafter, assign and designate at least one of their number, together with one or more of the justices of the peace of said town, to hold the elections in each district; and if there be not a sufficient number for that purpose, they shall assign and designate one or more of their number, including the justices of the peace, to each district, and select from among the commissioners of highways of said town as many as shall be necessary in addition to those previously assigned and designated, to constitute three inspectors of elections for each district; and such inspectors shall be allowed to vote in the district where they shall be respectively assigned. The selections shall be made from the officers aforesaid, in the order herein named, residing in the district to which they shall be assigned and designated, if there be sufficient for the purpose; a certificate specifying the officers thus assigned and designated for each district, shall at the same time be signed by the board, and filed in the office of the town clerk, who shall immediately cause written notice thereof to be given to the officers designated as inspectors of elections in the several districts.

Town officers to designate who shall hold elections &c.

§ 7. The officers thus assigned and designated, shall be inspectors of all annual and special town elections held in the several districts in said town for which they shall have been appointed, for the election of all town officers required by law to be elected by ballot.

§ 8. In case of a vacancy in the board of inspectors in any election district in said town, or of the absence or inability of any town officer appointed as aforesaid to act as inspector at any election, the inspectors who may be present are hereby authorized and empowered to fill all such vacancies by appointment from among the electors of such district, for the time being, who shall take the oath of office as hereinafter provided.

Vacancy in board of inspectors.

§ 9. The inspectors assigned and designated, or appointed, as herein provided, shall receive the same compensation.

Compensation.

tion provided by law for inspectors of elections in towns and wards.

Special election.

§ 10. If a special election shall be called to fill a vacancy in any town office, the town clerk shall give the like notice as provided in section five, together with a list of such town officers as are to be elected at such election; and the justices of the peace in said town shall meet at the town house on the succeeding day, and proceed to complete the canvass, and declare the result as hereinafter provided for annual town elections.

Inspectors to meet and organize.

§ 11. The inspectors of each election district shall meet at the time and place where an election shall have been appointed to be held therein, and shall proceed to organize themselves as a board for the purpose of presiding at and conducting such election.

Chairman of board.

§ 12. The inspectors shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors.

Oath of office.

§ 13. The inspectors or a majority of them, having severally taken such oath, the board shall then appoint a clerk, to be called the clerk of the poll, who shall take the constitutional oath of office, which shall be administered to him by the chairman of the board, and shall keep a poll list and make such other minutes as may be required.

Proclamation.

§ 14. Before the electors shall proceed to vote for any town officer, proclamation shall be made of the opening of the poll, and when the poll will close.

Preserve order.

§ 15. The inspectors so presiding shall have the same authority to preserve order, enforce obedience, and to commit for disorderly conduct, as is possessed by the board of inspectors at a general election, and shall proceed in the same manner, and be governed by the same rules, as is provided for the election of town officers in title three, article first of the Revised Statutes.

Canvass of votes.

§ 16. As soon as the poll of an election shall have been finally closed, the inspectors, in their several districts, shall proceed to canvass the votes; such canvass shall be public, and shall not be adjourned or postponed until it shall have been finally completed.

Statement to be made in writing.

§ 17. When the canvass shall have been completed and the result ascertained, a statement of all the votes for each candidate shall be made in writing, certified and signed by

the presiding officer and clerk of such district, with one ballot of each kind found to have been given for the officers to be chosen at such election, securely attached to such statement.

§ 18. The inspectors in each district shall designate one of their number who shall deliver such statement, so made and certified, to the board of the annual town meeting, to be held on the succeeding day, on or before ten o'clock in the forenoon of said day.

§ 19. The board of such annual town meeting, shall then proceed to complete the canvass by adding all the statements from the several districts together, and declare the result, the same as though such votes had been polled at such annual town meeting; and the persons having the greatest number of votes shall be declared elected to the offices for which they have been designated respectively. Town board to determine and declare result.

§ 20. Nothing in this act shall be construed so as to alter the time or place of holding the annual town meetings, or doing any business usually done at the annual town meeting, with the exception of the election of town officers as herein provided.

§ 21. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 22. This act shall take effect immediately.

Chap. 23.

AN ACT to incorporate the Albany Gymnasium.

Passed March 6, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. William Headlam, Jr., L. G. Ten Eyck, Jr., Body corporate. C. Humphrey, E. Tillinghast, and others, their associates who now are members of the Albany Gymnasium, and such other persons as shall hereafter be associated with them, are hereby constituted and created a body corporate, by the

name of the Albany Gymnasium, whose object is hereby declared to be the providing, establishing and maintaining suitable apparatus, reading and other rooms, and means, for promoting the physical and intellectual development of its members and others, which corporation shall continue for a term not exceeding twenty years.

Executive
committee.

§ 2. The direction, management and control of the affairs and property of the said corporation, shall be vested in an executive committee, which shall be composed of a president, vice president, secretary, treasurer and fourteen managers, who shall be elected annually to their respective offices by such of the members of the said corporation as are or may be entitled by its rules to vote at such elections. Said annual elections shall take place on the last Tuesday of November of each year; and until the next annual election, the officers of the Albany Gymnasium at the time of the passage of this act, shall continue to hold their respective offices.

Powers of
executive
committee.

§ 3. The executive committee shall have power to fill all vacancies which may occur in any of the offices of the said corporation, and to appoint and remove such other officers, agents or servants, as the business or interest of the said corporation may in their opinion require.

Hold real
and personal
estate.

§ 4. The said corporation shall have power to take, hold and convey real and personal property, to the amount of not exceeding ten thousand dollars, and also all apparatus and furniture necessary to the object of said corporation.

Property of

§ 5. All personal property, apparatus, furniture, and other property now held by the officers of the said gymnasium, or any or either of them, or any other person or persons in trust for the said gymnasium, or for the use and benefit of the same, shall by virtue of this act vest in and become the property of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements and responsibilities, which have been entered into or incurred previous to the passage of this act, by the officers of the said gymnasium, or any of them, lawfully acting in behalf of said gymnasium.

Funds of, if
misappropriated.

§ 6. In case the aforesaid corporation shall at any time appropriate their funds, or any part thereof, to any purpose or purposes other than those contemplated by this act, and shall be thereof convicted by due course of law, the said corporation shall thenceforth cease and determine, and the

estate, real and personal, whereof it may be seized and possessed, shall vest in the people of this state.

§ 7. The provisions contained in title three of chapter eighteen of the first part of the Revised Statutes, shall be deemed and taken as part of this act, except where they are herein altered, modified or changed.

§ 8. This act shall take effect immediately.

Chap. 24.

AN ACT to provide for the collection of the unpaid taxes of the town of Schodack, in Rensselaer county, for the year one thousand eight hundred and fifty-five.

Passed March 6, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The several items or sums, amounting in the aggregate to the sum of six hundred and ninety-seven dollars and fifty-five cents, remaining unpaid on the assessment roll of the town of Schodack, Rensselaer county, of the tax for the year eighteen hundred and fifty-five, as equalized, corrected and apportioned by the board of supervisors of said county, as a tax for that year, upon the real and personal property of said town, against the several persons in said assessment roll named, pursuant to the provisions of chapter twenty-one of the laws of eighteen hundred and fifty-seven, are hereby revived, and said unpaid taxes hereby declared to be in full force as a lawful tax upon such real and personal property and against the persons respectively named in said assessment roll, to whom said various items are taxed thereon.

§ 2. The county treasurer of the county of Rensselaer, is hereby authorized and directed to annex to said assessment roll, with the collector's return of unpaid taxes thereto an-

nexed, his warrant under his hand and seal, to the collector of said town of Schodack, commanding him to collect from the several persons whose taxes appear from said assessment roll and collector's return to be unpaid, the several sums mentioned in said roll set opposite to the names of such persons respectively; and such warrant shall direct the collector to pay the moneys to be collected to the treasurer of the county, and shall require such payment to be made within sixty days from the receipt of said warrant. The said treasurer shall place the taxes so collected to the credit of said county, and the same shall be applied to reimburse it for payments made and sums paid or advanced by said county, on account of said taxes and interest, and the expenses of collecting the same.

§ 3. It shall be the duty of said treasurer, forthwith to deliver to said collector the said warrant and assessment roll and return; and said collector shall thereupon proceed in the collection of said taxes as in other cases, and the provisions of article one, title three, chapter thirteen, part one of the Revised Statutes, shall apply to the collection of said taxes, and to said assessment roll and warrant, and to said collector and his proceedings, rights, duties and obligations in the collection of said taxes, and the remedies against him on his bond, for neglect or default, so far as the same are applicable, except that said collector need give notice of but one day's attendance, and need attend to receive payment of said taxes but one day, at the place designated in said notice and at the time therein specified, which shall be not less than three weeks from the first posting of such notice.

§ 4. In addition to his lawful fees for collecting said taxes, the county treasurer shall pay said collector three per cent on all moneys returned to him by said collectors, under said warrant.

§ 5. This act shall take effect immediately.

Chap. 25.

AN ACT to extend the time for the collection of county and state taxes in and for the city of Syracuse.

Passed March 6, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If the treasurer and tax receiver of the city of Syracuse, shall, within ten days from the passage of this act, give a new bond with sureties in the manner specified in the seventeenth section of the fifth title of the act to revise the charter of the city of Syracuse, passed March third, eighteen hundred and fifty-seven, and have the same approved as therein provided by a written endorsement on said bond, then the time for the collection of the county and state taxes in and for said city, shall be and the same is hereby extended to the first day of April next. New bond to be given.

§ 2. Such new bond shall be delivered and recorded, and be a lien upon real estate in the same manner as is provided in said seventeenth section. Bond a lien.

§ 3. If any of said taxes remain unpaid on the first day of April aforesaid, the said treasurer and tax receiver shall thereupon proceed to serve the notices specified in the nineteenth section of said title, and requiring payment on or before the fifteenth day of April next, at his office, which notices shall be served in the manner specified in said nineteenth section, and shall conform thereto; and all the provisions of said section shall be complied with by said tax receiver, except that his warrant shall be returnable on the fourth day of May. Tax receiver to give notice in certain cases.

§ 4. The provisions of the twentieth section of said title, amended by striking out of the same "the fifth day of March," and inserting in lieu thereof "the fifth day of May," are hereby in all things made applicable to the collection of the said taxes.

§ 5. This act shall take effect immediately.

Chap. 26.

AN ACT to appropriate the proceeds of the state tax for the support of schools.

Passed March 6, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of one million and seventy-three thousand seven hundred and sixty-eight dollars and ninety-seven cents, being the amount of the tax of three-fourths of a mill on each dollar of the aggregate assessed valuation of the real and personal property of this state for the support of common schools, is hereby appropriated for the support of common schools during the current civil year, to be apportioned and distributed according to law.

§ 2. This act shall take effect immediately.

Chap. 27.

AN ACT to divide the county of Wyoming into two school commissioner districts, and provide for the appointment of a school commissioner.

Passed March 6, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county of Wyoming shall be and is hereby divided into two school commissioner districts, to be designated as districts numbers one and two. District number one shall consist of the towns of Sheldon, Bennington, Orangeville, Attica, Warsaw, Middlebury, Covington and

Perry, and the school commissioner elected November third, one thousand eight hundred and fifty-seven, for said county, shall continue for the remainder of the term for which he was elected, to be the commissioner for said district number one.

§ 2. District number two shall consist of the towns of China, Genesee Falls, Java, Eagle, Wethersfield, Pike, Gainsville and Castile; the school commissioner for which shall be appointed in the same manner, and hold his office for the same length of time as is provided for in case of a vacancy, by the session laws of eighteen hundred and fifty-six, chapter one hundred and seventy-nine, section nine of said laws.

§ 3. This act shall take effect immediately.

Chap. 28.

AN ACT to appropriate money to repair the damage by fire to the State Lunatic Asylum.

Passed March 6, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay on the warrant of the comptroller out of any moneys in the treasury not otherwise appropriated, to the treasurer of the State Lunatic Asylum, the sum of sixty-eight thousand seven hundred and forty-two dollars, or so much thereof as may be necessary to be applied by the managers of said asylum to the reconstruction and repair of the buildings of said institution, destroyed by fire in July, eighteen hundred and fifty-seven.

§ 2. This act shall take effect immediately.

Chap. 29.

AN ACT relating to the mode by which the Buffalo, New York and Erie Railroad Company may acquire title to real estate for the purposes of its incorporation.

Passed March 6, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Buffalo, New York and Erie Railroad Company may acquire title to any real estate necessary for any purposes of its incorporation by the special proceedings and in the manner prescribed by the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amending the same. But it shall not be necessary to state in any petition for that purpose, required by the fourteenth section of said first mentioned act, that the whole capital stock of the company has been subscribed as therein required or otherwise.

§ 2. This act shall take effect immediately.

Chap. 30.

AN ACT in relation to the New York Dispensary, the Northern Dispensary, the Eastern Dispensary, the DeMilt Dispensary, and the North-Western Dispensary of the city of New York.

Passed March 6, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1 The New York Dispensary, the Northern Dispensary, the Eastern Dispensary, the DeMilt Dispensary, and the North-Western Dispensary, of the city of New York, are and each of them is authorized to change the time for holding their annual meeting and electing their officers; provided, however, that no such change shall be made excepting in the manner prescribed for altering or amending their by-laws, or by vote at an annual meeting.

§ 2. This act shall take effect immediately.

Chap. 31.

AN ACT to confer upon Horace C. Tracy and Isaac A. Brokaw the right to establish a ferry across Cayuga lake, and to extend, in their behalf, an act to establish such ferry, passed April fifth, eighteen hundred and forty-four.

Passed March 6th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the rights, privileges and immunities conferred upon Ira Almy and Horace C. Tracy by an act passed April fifth, eighteen hundred and forty-four, entitled "An act to establish a ferry across Cayuga lake," are hereby conferred upon Horace C. Tracy and Isaac A. Brokaw, for the term of fourteen years from the fifth day of April, eighteen hundred and fifty-eight.

§ 2. All the provisions of the said act applicable to the said Ira Almy and Horace C. Tracy, shall be applicable to, and binding on the said Horace C. Tracy and Isaac A. Brokaw during the continuance of this act.

Chap. 32.

AN ACT to enable Ann Wales to take, hold and convey real estate.

Passed March 10th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ann Wales, widow of John Wales, late of the town of Tully, in the county of Onondaga, deceased, is hereby empowered to take, hold and convey any lands lying in said town of Tully, and belonging to said John Wales at the time of his death, in the same manner as if she had been at that time a citizen of the United States; but nothing herein contained shall be so construed as to affect the rights of any creditor or purchaser of or from said John Wales, deceased.

§ 2. This act shall take effect immediately.

Chap. 33.

AN ACT to amend an act entitled "An act to incorporate the Ulster County Savings Institution, passed April twelfth, eighteen hundred and fifty-one.

Passed March 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the act to incorporate the "Ulster County Savings Institution," passed April twelfth, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

§ 4. The business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, one vice president, and such other officers as they may see fit. A majority of the trustees, of whom the president or vice president shall be one, shall form a quorum for the transaction of business, and the affirmative vote of at least two-thirds of the members present shall be requisite in making any order for authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving salary therefrom.

§ 2. Section five of the said act is also hereby amended so as to read as follows:

§ 5. The board of trustees may by resolution, reduce the number of trustees to any number not less than seven, a majority of whom shall constitute a quorum for the transaction of business. And all vacancies by death, resignation or otherwise, in the office of trustees, shall be filled by the board by ballot, without unnecessary delay; and at least the votes of two-thirds of the trustees shall be necessary for the election of any such trustee. The said trustees shall hold a meeting at least once in every three months, and such other times as may by the by-laws be determined, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon, at the election of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee on proper notice to such trustee and affording him an opportunity to be heard in his defense.

§ 3. This act shall take effect immediately.

Chap. 34.

AN ACT to make School District number nine in the town of Pomfret, a Union Free School District.

Passed March 17, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. School district number nine, in the town of Pomfret, county of Chautauque, shall form a district, and shall not be subject to alteration except in the manner prescribed by law.

§ 2. The said district shall be under the direction of a board, to be styled the "Board of Education," which board shall consist of six members, and be a body corporate; a majority of whom shall constitute a quorum for the transaction of business. Ebenezer R. Thompson, Samuel Hilliard, Joseph Mileham, James H. Van Buren, Julien T. Williams and Otis E. Tiffany, shall compose the first board of education, and shall hold their offices from one to three years, that is to say: two shall go out in each year in the order in which their names stand recorded in this section.

§ 3. There shall be elected in each year, in said district, two members of said board of education, who shall be residents and taxable inhabitants of said district, and shall hold their offices for three years, or until others are elected in their places. The said election shall take place at the annual meeting of said district, when the taxable inhabitants of said district may deposit their ballots, containing the name of one person designated for the office; the two persons having the greatest number of votes shall be declared elected. No ballot containing more than one name shall be counted, and the said board shall appoint three suitable persons as inspectors of said election, at any time within thirty days next preceding such election.

§ 4. The board of education shall enter on the duties of their office within ten days after being notified of the passage of this act, and the annual meeting of said district shall be held on the first Monday of October in each year.

Powers of. § 5. Said board shall have power to fill vacancies occurring in their own body, but the person so appointed shall hold his office only until the next annual meeting of said district, when the vacancy shall be filled by election.

By-laws. § 6. The said board may make all necessary by-laws for their own government; they shall have the entire control and management of all the common schools within the said district, and all the property belonging to the same; they shall have and possess within said district, all the rights, power and authority of trustees of school districts, and shall in all respects be subject to the restriction and control of the commissioner of common schools for the district, in the same manner as the common schools in this state are subject.

President of board, &c. They shall at their first meeting, and at their first meeting after the annual election in each year, appoint one of their number president of said board, who shall preside at the meetings of said board, when present; when absent, a president pro tempore shall act in his stead; they shall also appoint at said meeting one of their number secretary, who shall record all the acts and resolutions of the board, also act as clerk of school district; in his absence, a secretary pro tempore shall be appointed to discharge said duties; they shall also appoint a treasurer, collector and librarian of said district, who shall hold their offices respectively one year from their appointment, and until others are appointed in their places, unless sooner removed by said board. Such treasurer and collector shall each within ten days after notice in writing has been received of his appointment, and before entering on the duties of his office, execute and deliver to said board of education, a bond in a penalty of twice the amount of the estimated amount of the money coming into his hands, and with such sureties as said board may require, conditioned for the faithful discharge of the duties of his office.

Bond. In case such bond shall not be given within ten days after receiving such notice, such office shall thereby become vacated, and such board of education shall thereupon make an appointment to fill such vacancy. Such treasurer's bond shall be approved by the county clerk, and a copy thereof deposited in said county clerk's office.

Meeting of board. § 7. The said board of education shall meet for the transaction of business, on the first Monday in each month, or on such other day of the week as they shall fix upon for the year, and may adjourn for a shorter time. Special meetings may be called by the president, or in his absence or inability

to act, by the secretary, or any other member of the board, as often as is necessary, by giving personal notice to each member of the board, or causing a written or printed notice to be left at his place of residence, at least twenty-four hours before the hour of said meeting; and if any of said board refuses or neglects to attend any three successive stated meetings of the board, and if no sufficient cause of his non-attendance be shown, the board may declare his office vacant.

§ 8. No member of the board of education, except the secretary, shall receive any pay or compensation for his services, nor shall it be lawful for any member of said board, to become a contractor for building or making any improvement or repairs authorized by this act, or be in any manner, directly or indirectly interested, either as principal, partner or surety, in any such contract. All contracts made in violation of this provision, shall be absolutely void, and the person so violating shall forfeit the sum of one hundred dollars, which shall be collected by the board for the use of the district.

§ 9. The said board of education may call special meetings of said district whenever they may deem it necessary; they shall give notice of the same, by posting up a written or printed notice thereof, in at least six public places in said district, and by publishing the same in the newspapers published in said district, at least two weeks previous to the time fixed for such meeting; which notice shall state the time and place of such meeting, and the purpose for which the same is called; and no business shall be transacted at any such special meeting, except that stated in the notice calling the same. One week's notice of the annual meeting shall be given in said newspapers.

§ 10. The title of the school houses, sites, lots, furniture, books and all other school property in said district, shall be vested in said board of education; and the said board in its corporate capacity, may take, hold and dispose of any real or personal estate transferred to it by gift, grant, bequest or devise, for the use of common schools in said district.

§ 11. The public schools in said district shall be free to all children residing therein; but the board of education may permit children of persons not resident within said district, to attend said schools, on such terms as they may prescribe, and said board shall have power to sue for and recover such prescribed sum. Said board shall require one of their num-

ber to visit each school in said district, at least once in each week, to render such assistance to the teachers and advice to the pupils, as may be necessary.

Resignation
of officers.

§ 12. Every resignation of officers appointed or elected under this act, shall be made to the board of education; and such resignation shall not excuse said officer from the discharge of his duties, until accepted by said board.

Enumera-
tion of
children.

§ 13. Said board of education shall cause an enumeration of the children between the ages of four and twenty-one years, in said district, and make, once in each year, such a report to the school commissioner, at the time and in the manner required by law, of trustees of school districts; and any parent, or guardian, or housekeeper, refusing to give his or her own name to the person appointed by said board to take such enumeration, and the number of the children between said ages, living in his or her family, shall be liable to a penalty of ten dollars; said penalty to be sued for and recovered by said board, and appropriated to school purposes.

Supervisor
to pay to
president of
board, &c.

§ 14. The town supervisor shall, upon the written order of the president and secretary of said board, pay to the treasurer of said board, out of money in his hands belonging to said district, such sums as said order may specify; and all moneys to be received shall be paid to the treasurer of said board; who, together with his sureties on his official bond, shall be accountable to said board of education. Said treasurer shall not pay out any moneys except by resolution of said board, and upon an order drawn by the president, and certified by the secretary to be so drawn in pursuance of such resolution.

Library.

§ 15. Said board of education shall have the entire control of the district library, and may make such regulations in regard to the purchase and distribution of books, and management of said library, as they shall deem proper.

Powers to
raise tax &c.

§ 16. Said board of education shall have the power, and are hereby directed to levy and collect by tax, once in each year, upon all the taxable property and inhabitants in said district, as the same shall have been last assessed by the town assessors of the town in which said district is situated, such sums as said board shall estimate to be necessary for the following purposes, viz:

1. To pay any deficiency in teachers' wages, after paying all the public money appropriated for such purpose.

2. To hire sites, school houses and rooms for the use of said school district when necessary.

3. To alter, repair and improve the school houses belonging to said district and their appurtenances.

4. To insure the school houses and property belonging to said district.

5. To pay all necessary contingent expenses of said Powers school district, and of the board of education.

6. To pay the librarian a salary not to exceed twenty-five dollars per year.

7. To pay the secretary of said board a salary not exceeding fifty dollars per year.

8. Any such sums as shall be authorized by a majority of the taxable inhabitants, at any special meeting of said district, for the purposes specified in section seventeen of this act; and the board shall add to their warrant for collection of taxes, such amount as they shall deem proper for fees for collecting, not exceeding five per cent on the amount to be collected. Said board shall have power to make all warrants for the collection of taxes to be raised by them returnable in sixty or ninety days, at their discretion, and to renew the same whenever it shall become necessary; such warrant to be signed by the president and secretary, pursuant to resolution of said board. In case it shall appear Roll that the town assessment roll does not include all the taxable property of said district, the property omitted shall be assessed by the said board, in the same mode required by law, and added thereto; and the collector of said school district shall in the collection of any tax authorized by this act, proceed in the same manner, and have all the powers which collectors of town and county taxes now possess.

§ 17. Whenever in the opinion of said board it becomes necessary to procure a site, and build a school house; to enlarge those already built, or to raise money for any necessary school purpose not enumerated in this act; they shall submit the plans, and the estimated cost of such building, site, and necessary appendages, to the taxable inhabitants of said district, at a special meeting called for that purpose; and if a majority of such inhabitants present, shall vote in favor of the same, the said board may proceed to carry the same into effect; but no site purchased, and house built after the passage of this act, shall exceed in cost, jointly, the sum of three thousand dollars; nor shall any addition to school houses in said district exceed said amount;

neither shall more than one school house or addition to any school house in said district be built in any one year; nor shall any addition be made to any school house in said district, the same year in which a new school house is built; nor shall a greater sum than four hundred dollars be raised in any one year, for purposes not enumerated in this act, by said special meeting.

Primary
schools.

§ 18. Said board of education shall have the power to establish as many primary schools in said district as they may deem proper, and to have in all respects the superintendence, supervision and management of the public schools in said district, to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction; for the reception of pupils, and their transfer from one school to another, and generally for their good order, prosperity and public utility.

To sell
school-
house, &c.

§ 19. Whenever in the opinion of said board, it may be advisable to sell or exchange any school house, lots or sites now or hereafter belonging to the district, they shall state such object in the notice of an annual or special meeting, and with the consent of a majority of the taxable inhabitants present at such meeting, may sell or dispose of such school houses, sites or lots, to the best advantage.

Report of
board.

§ 20. Said board of education shall, at each annual meeting, submit a report in writing of their doings as such board, and shall state therein the number and condition of the schools in said district under their charge, and the number of scholars attending the same, the studies pursued, the amount of money received from the state and from any other source, the expenditure of the same, and all the particulars in detail relating to schools in said district, which report may, if the board think proper, be printed.

§ 21. All laws and parts of laws, inconsistent with this act, are hereby repealed, so far as relates to school district number nine, in the town of Pomfret.

§ 22. This act shall take effect immediately.

Chap. 35.

AN ACT in relation to assessments for local improvements in the city of Brooklyn.

Passed March 19, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No proceedings shall be taken by the common council of the city of Brooklyn, or by any of the officers of said city, except as herein otherwise provided, to regulate and grade, or to pave, or to regrade and repave, any street or avenue, or for digging down or filling in lots, unless upon petition signed by a majority of the persons owning the lands situated within the district of assessment fixed by the common council for said improvements, each of such persons being the owner of at least one building lot in said district, of the usual size of city lots. Whenever such petition shall be presented, the common council of said city shall cause a notice to be published in the corporation newspapers published in said city, that such application has been made, and of the time (which shall not be less than twenty days after the first publication of such notice) when they will proceed on such petition, which notice shall be published daily in the corporation newspapers for two weeks successively; and in case a remonstrance against the proposed improvement, signed by a majority of the owners of the lots of land within the district of assessment fixed by the common council for said improvement, shall be presented to them on or before the day specified in said notice, they shall not allow the said improvement to be made or proceed further therein. But nothing in this act contained shall be so construed as in any way to affect any proceedings heretofore commenced by the common council of said city.

§ 2. No proceedings shall be commenced by the common council of the city of Brooklyn, or by any of the officers of said city, to regulate and grade, or to pave, or to regrade and repave, any street or avenue, or for the digging down or filling in lots in said city, the expense of which shall

Petition to
common
council, &c.

No proceed-
ings to be
heard by
common
council, &c.

impose upon any lot of land an assessment exceeding one third of its value, independent of any erection or buildings thereon, and which value shall be ascertained as hereinafter provided.

Common council to lay out a district of assessment.

§ 3. The common council shall lay out a district of assessment in every case contemplated in the first and second sections of this act, before any other proceedings are had therein, and the assessors of said city, or such of them as shall be required so to do by the said common council, shall ascertain the expense of any improvement or work referred to in the first and second sections of this act, and the value of the premises proposed to be assessed, in conformity with the second section of this act for such expense, stating how much of said expense is proposed to be assessed upon each lot, and shall report the same to the common council before any such improvement or work shall be ordered or determined upon by the said common council. Such assessor shall at the same time report to the common council (for their information) an estimate of the amount of benefit which such lot will derive from such improvement. But such estimated benefit shall not be computed as a part of the value of said lots, for a basis of assessment referred to in this act.

Application for improvement.

§ 4. Upon the presentation of any application for any improvement or work specified or referred to in the first section of this act, and after taking the action directed in the preceding section, the said common council if they determine that a petition for such improvement has been presented by a majority of the persons owning lands liable to assessment in such assessment district, and that the assessment proposed to be imposed on each lot is in just proportion to the benefit which said lot is to receive from such improvement or work, and is the just proportion of the expense of such improvement or work which said lot should bear; and also that such assessment does not exceed one-third of the assessed value of such lot, as directed to be ascertained by this act; shall advertise for remonstrances against the said proposed work or improvement, as directed in the first section of this act, and in case no sufficient objections are made thereto in the manner specified by the first section of this act, the said common council may then proceed to order such improvement or work to be done; and the determination, in good faith, of the common council, in respect to all the facts to be ascertained, for the purpose of commencing

and carrying on such proposed improvement or work, shall be final and conclusive, provided that such action shall be in conformity with this act; and that no contract for such improvement or work shall be made, which shall in any event exceed in amount the estimated expense of such improvement or work, and that the assessment for the expenses of such improvement shall be confined to the district of assessment laid out by the common council as aforesaid.

§ 5. In no event shall any expense for any improvement or work contemplated by the first and second sections of this act be a charge against the city of Brooklyn, except so far as said city may be the owner of land to be assessed for such work or improvement. Expense not to be a charge, &c.

§ 6. It shall be a misdemeanor, and punishable as such, Misdemeanor, &c. for any person or officer in the city of Brooklyn, to take from the treasury of said city, by warrant or otherwise, any money for or on account of the expense of any local improvement hereafter to be made in said city, unless the same has first been assessed, collected, and paid into the treasury, to the credit of such improvement.

§ 7. Nothing in this act contained shall be construed so as to prevent the common council of said city from causing lots to be filled in, graded or drained, in the manner now provided by law, in cases where the board of health, or the common council as a board of health, shall determine that such filling in, grading or draining, is necessary in order to secure or protect the public health. But such determination shall be reduced to writing, and shall set forth the particular reason or reasons which render such filling in, grading, or draining necessary, and notice thereof shall be immediately published for three successive days in the corporation newspapers, with a description of the lots to be so filled in, graded or drained; and such determination shall also be reported to the mayor, at least one week before the common council shall take any action thereon. Common council not restricted, &c., in regard to grading, &c.

§ 8. This act shall take effect immediately.

Chap. 36.

AN ACT to fix the time for the reimbursement of the stock of this state designated the Long Island Railroad State Stock.

Passed March 20th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The stock of the state of New York issued to the Long Island railroad company, in pursuance of the provisions of chapter one hundred and ninety-three, laws of said state for the year eighteen hundred and forty, is hereby made payable on the first of August, eighteen hundred and seventy-six; provided, any party holding certificates of such stock who may desire the same made payable on the said first day of August, eighteen hundred and seventy-six, shall on or before the first day of January, eighteen hundred and sixty-one, present such certificates to the comptroller for endorsement: whereupon the comptroller shall endorse on each of the said certificates, the following words, namely, "The principal of this bond is payable on the first day of August, eighteen hundred and seventy-six, and the rate of interest thereon is to be five per cent per annum, after the first of August, eighteen hundred and sixty-one, payable semi-annually as heretofore." Attesting the same by his signature, and stating the date of the act of the legislature authorizing such endorsement.

§ 2. Such certificates as shall not be so presented and endorsed, shall be payable on the first of August, eighteen hundred and sixty-one, from the funds to the credit of the railroad company then held by the comptroller, or other additional funds, if necessary, to be furnished by the said company.

§ 3. The said railroad company shall provide the funds necessary to pay the said interest of five per cent per annum, on all such certificates as may be so endorsed by the comptroller, and shall also pay to the comptroller two thousand dollars per annum, to be invested by him as

a sinking fund for the redemption of said stock so endorsed, in lieu of the one thousand dollars heretofore annually paid by said company as a sinking fund.

§ 4. This law shall not release the said railroad company from any liability imposed by the law of eighteen hundred and forty, chapter one hundred and ninety-three aforesaid; but the provisions and conditions thereof, not herein modified, shall remain in full force and effect.

Chap. 37.

AN ACT to facilitate the progress of civil actions, in which the people of the state are parties.

Passed March 20th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any civil action or proceeding in which the people of this state are a party, and when the attorney general shall be the attorney on record, shall have a preference in all the courts of this state, and may be moved, on the part of the people, out of its order on the calendar; but such preference shall not be had, unless the attorney for the state shall give notice, at the time of service of notice of trial or argument of the day on which he shall move the trial or hearing of the action; and in case the same shall not be moved by the attorney for the state on such day, the defendant shall have the right to move the trial or argument of the action, and the trial or argument shall not be moved out of its order on any other day than the day specified in such notice, unless the court shall otherwise direct.

§ 2. An appeal may be brought by the people of this state from any judgment against them in any court, without any undertaking or security whatever; and such appeal shall operate as a stay of proceedings on the judgment

appealed from, in the same manner as if security had been given as now required by law.

§ 3. This act shall take effect immediately.

Chap. 38.

AN ACT relating to the fisheries in the towns of Castleton and Southfield, Richmond county.

Passed March 23d, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the freeholders and inhabitants of the towns of Castleton and Southfield to continue to set fikes or hoop nets and gill nets, and to drive the necessary poles and stakes for the same for the space of two years from the first day of June, eighteen hundred and fifty-eight, in the soil under water, between a point distant one thousand feet north of Fort Richmond, at the Narrows, and the lighthouse, situated on Robbin's Reef, in the bay of New York, subject to be restrained and brought within a line nearer the east shore of the Narrows, if the harbor commissioners, shall decide that the poles are a hindrance to safe navigation, any law to the contrary thereof notwithstanding.

Provided, that this section shall not apply, to the land and water of the state at the Quarantine ground, or be deemed in any respect to interfere with the laws and regulations respecting quarantine, or the duties and powers of the health officer; and nothing herein contained shall be construed to prevent the board of supervisors of the county of Richmond from exercising the powers vested in them, in the thirteenth section of chapter one hundred and ninety-four of the laws of eighteen hundred and forty-nine, nor shall it be deemed to authorize the placing of fish poles to the east of a line drawn from Fort Richmond at the Narrows and Robbin's Reef lighthouse.

§ 2. This act shall take effect immediately.

Chap. 39.

AN ACT authorizing the commissioners of highways of the town of Groton, Tompkins county, to borrow money to be applied on indebtedness incurred for the erection and repairs of bridges in said town.

Passed March 24th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of highways of the town of Groton, Tompkins county, are authorized to borrow, on the credit of said town, a sum not exceeding one thousand dollars, and to give an obligation binding said town for the payment thereof; said money to be applied to pay expenses incurred during the past year for the construction and repairs of bridges in said town.

§ 2. The board of supervisors of the county of Tompkins, shall assess in the same manner as for other town expenses, at their next annual meeting, the above amount of one thousand dollars, with interest, which shall be for the payment of said loan, and such assessment shall be collected in the same manner as other town expenses.

§ 3. This act shall take effect immediately.

Chap. 40.

AN ACT in relation to the Monticello and Wurtsboro Plankroad Company.

Passed March 25th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Change
name of.

Liability.

SECTION 1. From and after the first day of January next, the name and title of the Monticello and Wurtsboro Plank Road Company, shall be known as the "Monticello and Wurtsboro Turnpike Road Company;" and said company shall have the right to continue to hold and manage the property and affairs of the said plank road company, by or under the name and style of "The Monticello and Wurtsboro Turnpike Company," and under that name shall continue to be liable to and held responsible for all debts, demands, liabilities, claims and obligations, now existing against said plank road company, and shall possess, hold and enjoy all its rights, property and privileges; but nothing herein contained shall affect any action now pending, in favor of or against the said plank road company; and in case any action shall hereafter be commenced against the said plank road company, by any person or party not knowing the change of the name of said plank road company, it shall not plead a misnomer, but shall answer or plead to the merits of the action, stating in such answer the true name of said company, and such action shall proceed against it in either name, according to the practice of the court in which such action shall be pending, and any judgment recovered therein shall be as valid and effectual as if the action had been commenced and conducted against the said company by its true name.

§ 2. The said company shall and may receive and collect the same amount of tolls, at the gates upon said road, that are now received and collected at such gates; provided a majority of the supervisors of the county of Sullivan, who are such at the time this law takes effect, shall give their consent in writing thereto; which consent shall be filed in the office of the clerk of Sullivan county.

Chap. 41.

AN ACT to amend the Charter of the city of Utica.

Passed March 25th, 1858, three-fifths being present.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows :*

SECTION 1. Section two of the act entitled "An act to <sup>Law amend-
ed.</sup> amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Utica,' passed March thirty-first, eighteen hundred and forty-nine, and the several acts amending the same," passed March seventeen, eighteen hundred and fifty-seven, is hereby repealed.

§ 2. Section twenty-one of the said act shall read as follows:

§ 21. The treasurer shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures so as to exhibit the amount paid under each class of purposes for which money shall be raised. He shall deposit and keep all moneys belonging to the city or that shall come to his hands, in such of the banks in said city as will pay the highest rate of interest, not exceeding seven per cent, for such deposits for the use of the city, and will give security for the payment of such deposits to be approved by the common council. All moneys shall be drawn from him in pursuance of a resolution of the common council by warrants, specifying for what purpose they are drawn, signed by the clerk, and countersigned by the mayor. The clerk shall keep an accurate account of all warrants issued in a book to be provided for that purpose. The treasurer shall receive for all services under the provisions of this act, a salary not exceeding six hundred dollars a year, payable quarterly, which shall be in lieu of all commissions or other compensation whatsoever. He shall ten days before the annual city election in each year, present to the common council and file with the clerk, an account of all his receipts and disbursements since the date of the last report, and a statement of the financial condition of the city;

<sup>Treasurer of
duties, &c.</sup>

a copy of which shall be published in the newspapers designated by the common council for publishing its proceedings, at least eight days before such election.

§ 3. This act shall take effect immediately.

Chap. 42.

AN ACT in relation to the Lockport Hydraulic Company.

Passed March 25th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Lockport Hydraulic company is authorized and empowered to purchase and hold, in fee simple, any real estate contiguous to the mill race belonging to said company, and between said race or any mill race which said company may hereafter construct and the Erie canal, provided said company shall deem such real estate convenient and suitable for manufacturing purposes; and it shall be lawful for said company to dispose of any of its real estate and rights of water to other corporations or individuals, for manufacturing purposes, by grant or lease; and all such grants and leases shall have the same legal force and effect as if made to a natural person, by an individual owner seized in fee simple: Provided, that any such lease having more than ten years to run, shall contain a condition permitting the lessee at any time to terminate the same and make his title absolute, on his paying to the lessors a principal sum which at seven per cent interest shall yield a yearly income equal to the annual rent reserved in such lease.

In lieu of the yearly rent now payable to the state on the perpetual lease of the surplus waters at Lockport, granted by the canal commissioners to Richard Kennedy and Junius H. Hatch, January twenty-five, eighteen hundred and twenty-six, it shall be lawful for said Lockport Hy-

draulic company, as assignee of said lease, to pay into the state treasury a principal sum on which the interest at six per cent per annum shall be equal to the annual rent aforesaid; and on such payment being made the auditor of the canal department shall issue a certificate under his official seal, releasing said company from the further payment of rent on the lease aforesaid. But neither such payment, nor such release, shall be construed to impair the right reserved in said lease to the canal commissioners or the legislature, to limit, control or wholly resume the rights granted by said lease.

Chap. 43.

AN ACT in relation to the New York Juvenile Asylum.

Passed March 25th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-eighth section of the act entitled "An act to incorporate the New York Juvenile Asylum," passed June thirtieth, eighteen hundred and fifty-one, is hereby amended, and shall read as follows, viz:

§ 28. In each and every year thereafter, the said board of supervisors shall, in the same manner, levy and collect by tax, and pay over to the said New York Juvenile Asylum, for the uses and purposes thereof, a sum not exceeding seventy-five dollars per annum, and proportionally for any fraction of a year, for each child which, by virtue and in pursuance of the provisions of this act, shall be entrusted or committed to the said asylum from the city and county of New York, and shall be supported and instructed therein; but the sum to be collected and paid by the said board of supervisors for each child so received, supported and taught in said asylum, shall in no case exceed the lowest cost of ^{Supervisor to levy a tax.}

Application
of money re-
ceived.

Means to
purchase
land for
erection of
house of re-
ception, &c.

support and government of a child of the same age in any of the public institutions at present under the care of the ten governors of the almshouse and prisons department of the said city. The moneys so to be received from the said board of supervisors, together with all other moneys raised by the said New York Juvenile Asylum, to be applied to the payment of the current expenses, and for the perfect establishment and general support of the said asylum.

§ 2. To provide the pecuniary means for the purchase of land, and the erection of a house of reception for the New York Juvenile Asylum, and to aid in furnishing said building and in defraying the expenses thereof, whenever it shall be proved to the board of supervisors of the city and county of New York, by the affirmation or affidavit of the president and secretary of the said asylum, that in addition to the sum specified in section twenty-seven of "An act to incorporate the New York Juvenile Asylum," passed June thirtieth, one thousand eight hundred and fifty-one, and also in addition to the farther sum specified in section one of "An act to amend an act to incorporate the New York Juvenile Asylum," passed March twenty-seventh, one thousand eight hundred and fifty-six, the further sum of twenty thousand dollars, in money or approved securities, have by voluntary subscriptions or otherwise been raised for the purposes of said asylum, the said board of supervisors may in their discretion raise and collect a like sum of twenty thousand dollars by tax upon the real and personal property of the said city and county, to be so levied and collected at the same time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected; provided, however, that if any balance of the sum of forty thousand dollars levied and collected for the year eighteen hundred and fifty-seven, by the said board, in pursuance of the twenty-eighth section of the act of June thirtieth, eighteen hundred and fifty-one, incorporating the said asylum, shall yet remain unexpended, then it shall be lawful for the said board to direct such unexpended balance of said moneys to be immediately paid to the said asylum on account of the sum of twenty thousand dollars authorized by this act; and in such case only so much as shall yet remain of the said last mentioned sum of twenty thousand dollars, shall be levied and collected by virtue hereof. All such moneys so to be raised by the said New York Juvenile

Asylum and to be paid or levied and collected by the said board, to be together expended by the said New York Juvenile Asylum, for the purposes specified in the first clause of this section.

§ 3. This act shall take effect immediately.

Chap. 44.

AN ACT relative to Notaries Public, in the city and county of New York.

Passed March 25th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. The notaries public in and for the city and county of New York, whose commissions have not expired, and who have qualified according to law, are hereby authorized to continue in the discharge of the duties of their respective offices until the expiration of their commissions; and the official acts of the several notaries shall have the same force and effect as if no irregularity had existed in their several appointments.

§ 2. The governor may appoint, by and with the advice and consent of the senate, as many notaries public in and for the city and county of New York, as he may deem necessary, provided the number in commission at any one time shall not exceed four hundred.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 45.

AN ACT for the relief of Horace Allen, in respect to damages alleged to have been sustained by him by means of the improvement of Racket river, under the act for that purpose, passed April ninth, eighteen hundred and fifty.

Passed March 26th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are authorized and required to examine into and hear the claim of Horace Allen to compensation for injuries alleged to have been sustained by him by means or in consequence of the improvements of Racket river, under the act for that purpose, passed April ninth, eighteen hundred and fifty, to take testimony concerning such claim and the nature thereof, and report the same with their opinion thereon to the canal board, with their estimate of the amount of such damages.

§ 2. The canal board shall report to the next legislature after the taking of such testimony, and the appraisal of such damages, the testimony so taken with the opinion of said board as to the liability of the state to pay such damages. But nothing herein contained shall be construed as admitting the liability of the state to pay such damages.

Chap. 46.

AN ACT for the relief of Ebenezer Seeley.

Passed March 26th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal auditor is hereby authorized and directed to issue his warrant upon the treasurer to pay Ebenezer Seeley the sum of eight hundred and twenty-five dollars and sixty-five cents, out of any money in the treasury appropriated to the ordinary repairs of canals, and the state treasurer is hereby authorized to pay the same upon said warrant, the said sum being the value of twenty-three thousand five hundred and ninety feet of pine and oak timber of said Seeley's, at thirty-five dollars per thousand, said timber having been taken and used by the superintendent of canal repairs on section three of the Erie canal, in the year eighteen hundred and fifty-six.

§ 2. This act shall take effect immediately.

Chap. 47.

AN ACT to amend an act entitled "An act to incorporate the Mutual Insurance Company of Buffalo," passed April eighteenth, eighteen hundred and forty-three.

Passed March 27, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The thirteenth section of the act entitled "An act to incorporate the Mutual Insurance Company of Buffalo," passed April eighteenth, eighteen hundred forty-three, is hereby repealed, and the following substituted in lieu thereof:

§ 13. When the accumulation of the net profits of the company shall exceed five hundred thousand dollars, the excess may be applied from year to year, or semi-annually, thereafter, toward the redemption of each year's certificates, in whole or in part, as may be determined on by the board of trustees; but the certificates of a subsequent year are not to be redeemed until those of the preceding are provided for; and when such accumulation shall exceed five hundred thousand dollars, it shall be the duty of the trustees to apply such latter excess toward the redemption of certificates, in whole or in part, in the manner above specified.

§ 2. This act shall take effect immediately.

Chap. 48.

AN ACT to enable the trustees of the village of Mohawk to increase the number of Firemen in said village.

Passed March 27th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. The trustees of the village of Mohawk are hereby authorized to increase the number of men in each fire company which is now, or may hereafter be organized in said village to any number not exceeding forty-eight; and to organize a hose company in said village, of not more than twenty members. Said companies shall be subject to all the liabilities, and be entitled to all the exemptions provided in an act entitled "An act to incorporate the village of Mohawk," passed April sixteenth, eighteen hundred and forty-four.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT to amend the charter of the village of Little Falls.

Passed March 27th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of the act reincorporating the village of Little Falls (by the name of Rockton), passed April tenth, eighteen hundred and fifty, as amended by the

act of April sixteenth, eighteen hundred and fifty-two, and the act of March nineteenth, eighteen hundred and fifty-five is hereby amended so as to read as follows:

Officers.

§ 4. The franchises of the corporation are exercised by means of officers to be elected or appointed in the manner hereinafter specified, who are designated as follows: first, a president; second, eight trustees; third, a chief fireman; fourth, a collector; fifth, a treasurer; sixth, a clerk; seventh, a street commissioner; eighth, a police constable and such subordinate officers as are authorized by this act or by general laws.

§ 2. Section five of said act is hereby amended so as to read as follows:

**Clerk, &c.,
appointed
by trustees.**

§ 5. The clerk, street commissioner, constable and subordinate officers are appointed by the trustees and hold their offices during their pleasure. All other officers are elected at elections to be held as hereinafter specified. Trustees elected after the first election under this act hold their office for two years, and four are thereafter elected annually; all other officers hold their places for one year and all hold until their successors are elected or appointed.

**Trustees,
term of of-
fice of.**

The trustees elected at the annual election next after the passage of this act shall immediately after the election proceed to draw ballots indicating the length of their term of office. Such ballots shall be prepared and drawn under the supervision of the president, one-half of them shall contain the words "for one year" and those who draw them shall hold their office for one year only, and the other half shall contain the words "for two years" and those who draw them shall hold their office for two years; if any trustees shall not be present the president shall draw for him, the result must be entered in the village journal. If a vacancy shall happen in any office it must be filled with the trustees, but not to hold beyond the next annual election, in case of an elective officer, if the vacancy be then not expired, it must be filled for the residue of the term by election. A person elected to fill a vacancy holds only for the unexpired term.

**Term of first
trustees to
be drawn
for.**

Vacancy.

§ 3. Section thirty-seven is hereby amended so as to read as follows:

Assessments

§ 37. The trustees must as soon after the annual election as they may deem necessary proceed to make the annual assessment roll and valuation of property liable to assessment and taxation in the village and shall assess

thereon such sum as they may deem necessary, besides sums received and estimated to be received from other sources, to defray the ordinary expenses of the village for the current year, not to exceed the amount allowed for that purpose by the annual meeting, also any sum directed to be raised for a special purpose and which under the provisions of this act can be raised in that year. The aggregate for special purposes in no case to exceed one thousand dollars, and the whole aggregate for ordinary expenses not to exceed three thousand dollars in one year, they must also in addition determine the number of days of highway labor to be assessed for every thousand dollars valuation on the assessment roll which must not be less than two nor more than three days for every thousand dollars.

§4. Section thirty-nine is hereby amended so as to read as follows:

§39. The trustees shall constitute the board of assessment Trustees the board of assessment. for the village. For the purposes of valuation and taxes the trustees shall cause to be copied from the last assessment roll of the several towns, parts of which comprise the territory of the said village, the names and valuations of all persons and corporations taxable within the village as made by the town assessors, and the same shall be deposited with the clerk of the board or one of the trustees subject to inspection by any person interested. The trustees shall thereupon cause public notice to be given, subscribed by the president and clerk, and published for two successive weeks in all the newspapers published and printed* the said village, stating where the roll is deposited for inspection, and designating a time and place at least two weeks after the first publication of such notice, when and where the trustees will hear any objections and make corrections of said assessment roll and valuation. The said town valuation shall be adopted by the trustees for the valuation of the property thereon within the village subject to be assessed for village taxes as far as practicable, subject, however, to be corrected for any errors, which may appear therein or for any change of ownership of property, and subject to have the names of persons added or omitted with valuations accordingly as changes have taken place, and the trustees are hereby invested in the same powers within said village, Powers of trustees as assessors. in respect to the valuation and assessment of taxes including the power to administer oath as town assessors have in respect to the valuation and assessment in towns.

Notice to be given when roll is completed, &c.

* So in original.

§ 5. Section forty-one is hereby amended so as to read as follows:

Valuation.

§ 41. Upon the completion of the assessment roll of the valuation, the trustees must cause the amount authorized to be raised, or so much thereof as they may deem necessary to be apportioned according to the valuation, and to have the several sums so apportioned set opposite the valuation, in the same manner as required for town and county tax lists, and the same shall thereupon be adopted by a resolution of the trustees, and shall be certified by the president and deposited in the office of the clerk of the village.

§ 6. Section forty-two is hereby amended so as to read as follows:

Tax for special purpose.

§ 42. When a tax for a special purpose shall be ordered by a special meeting, after the annual tax list is completed, the same must be assessed upon the same valuation prepared for the annual tax of that year and subject to be corrected in the same manner.

§ 7. Section forty-seven is hereby amended so as to read as follows:

Trustees to have powers of commissioners of highways.

§ 47. The trustees must also perform the duty and they are hereby vested with the powers of commissioners of highways of a town in assessing highway labor upon the persons and property in the village subject to assessment therefor, such assessment upon the property must be made from the valuation of the last assessment roll of the town within which the property is situated, in the same manner as by this act provided in relation to the assessment of village taxes, and may be done at the same time and under the same notice; when completed and adopted by the board shall be certified by the president and deposited with the clerk of the village.

§ 8. Section forty-eight is hereby amended so as to read as follows:

Warrant for collection of highway tax

§ 48. Upon the completion of the highway assessment by the trustees of the village they shall cause a copy thereof, together with their warrant for the collection thereof in money at the rate of fifty cents for each day's labor assessed, to be delivered to the collector of the village. And in cases where a party assessed for highway labor shall neglect or refuse to pay the same when called upon, as provided in this section, such party assessed shall be liable, in addition to the power of collection, by the collector, to the same remedies provided in respect to delinquents when assessed

in towns by commissioners of highways, and the street commissioner is hereby invested with the same powers and duties in relation to such assessments and to the enforcement thereof, and in relation to prosecution for penalties for non-payment or non-performance of labor as is provided by law in respect to the overseers of the highways in towns. Street commissioner's powers.

§ 9. Subdivision ten of section twenty-nine is hereby amended so as to read as follows:

10. To fix the compensation of the treasurer, clerk, collector, police constable, street commissioner and other subordinate officers, and to audit their accounts for disbursements and services in the discharge of their duties. Powers of trustees to fix compensation of officers. But neither of said officers shall be interested in any contracts which such officer is authorized to make in behalf of the village, nor shall any other accounts or claim in favor of any such officer, or in which he shall be interested, be audited or allowed for labor or services or for materials furnished, for the use of the village by him or by a firm of which he is a member, under his direction as such officer.

§ 10. Section eleven is hereby amended so as to read as follows:

§ 11. The annual meeting in addition to the election of officers must determine the sum to be raised by tax on the taxable property of the village not to exceed the sum of three thousand dollars for the ordinary expenses of the village. Annual meeting. The failure or omission at such meeting to determine the sum to be raised for that purpose shall be deemed the adoption of the sum which was raised for that purpose the last preceding year.

§ 11. Section twenty-seven is hereby amended so as to read as follows:

§ 27. The trustees can only transact business as a board sitting in public, at least five trustees must be present and all their acts must be entered in writing in the journal of the village. The concurrence of five trustees is requisite to pass any ordinance or resolution which necessarily involves the payment of any money or appropriation of any money or property of the village, or for any assessment upon lots for sidewalks or streets, or for laying out or altering a street or declaring a nuisance and directing its removal and abatement. Trustees to pass ordinances, &c. A concurrence of a majority of those present is sufficient for any other act, but no trustee shall have a vote on any question in which he has a personal interest directly

or indirectly other than as a citizen or officer in the village in common with all other citizens or officers, nor shall any trustee be interested in any contract made under the authority of the trustees.

§ 12. Subdivision six of section twelve is hereby amended so as to read as follows:

6. For the constructing and repairing crosswalks except when ordered by the trustees to be done out of the highway assessment.

§ 13. All acts inconsistent with the foregoing act are hereby repealed.

§ 14. This act shall take effect immediately.

Chap. 50.

AN ACT to establish Free Schools in district number seven, in the town of Flushing.

Passed March 27th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number seven, in the town of Flushing, in the county of Queens, shall form a permanent school district, and shall not be subject to alteration by the school commissioner of the assembly district in which said school district is situated.

Boundaries. § 2. Said school district shall hereafter be bounded as follows: Commencing at the southwest corner in the centre of the front road leading from the village of Flushing to Clintonville, and north boundary of district number five; thence westerly along the north line of said district number five to the waters of Flushing bay; thence northerly along the waters of said bay to the East river; thence an easterly course along the waters of said river, until it comes to Nostrand's cove and the northwest boundary of district number three; and thence along the west boundary of said district number three to the place of beginning.

§ 3. The said district shall be under the direction of a ^{Board of Education.} board, to be styled the "Board of Education," which board shall consist of five members, three or more of whom shall constitute a quorum for the transaction of business. Augustus Drebling, Francis Zoeller, William E. Chisholm, Conrad Poppenhusen, and Herman A. Schleicher shall compose the first board of education, and shall hold that office from one to five years, that is to say one shall go out of office in each year, and in the order in which their names stand recorded in this section.

§ 4. At the first annual meeting held in said district, and at each annual meeting thereafter, there shall be elected one ^{Election of members of board.} member of said board of education, who shall hold his office for five years, who shall be a resident and taxable inhabitant of said district. Said election, and all other elections provided for by this act, shall be held by three inspectors, who shall be appointed by the board of education, at least thirty days preceding such election, and shall be by ballot and conducted in the same manner as the annual election.

§ 5. The said board of education shall, at their first ^{President, secretary &c.} annual meeting, choose one of their number for president, one for secretary and one for treasurer, who shall hold office for one year; the treasurer shall execute a bond conditioned for the faithful performance of his duty, in such form and with such sureties as the said board shall approve, and the said board of education may make all necessary by-laws for their government. They shall have the entire control and management of all the common schools within the said district, and of all the property belonging to the same. They shall have and possess within said district all the rights and powers and authority of school commissioners. They may appoint a collector, who shall have all the powers and duties and shall be subject to all the conditions that district collectors now are or may employ the town collector for that purpose, and such collector shall collect and pay over the school moneys assessed upon said district to the treasurer of the board of education, in the same manner and under the same conditions as the laws of the town of which he is such collector require. They shall appoint two of the members of said board, who shall visit each school in said district at least once in each week, to render such assistance to the teachers and advice to the pupils as may be necessary, and to see that the regulations are rigidly adhered to.

Power of
board.

§ 6. The said board of education are hereby authorized and empowered to raise a sum, not exceeding the sum of five thousand dollars, either by tax on said district or by a loan, such loan to be secured by a mortgage upon the public school property of said district, to be executed by said board in their official capacity. Such money, when raised by tax or loaned, shall be paid over to said board of education or treasurer thereof, to be applied directly by them in purchasing a site and erecting or purchasing a school-house or school-houses for said district, in grading and regulating the grounds and building the necessary fences and out-houses.

Duties of
board.

§ 7. The said board of education are hereby authorized and directed, to levy and collect by tax in each year, upon all the taxable property in said district, such sums as may be necessary for teachers' wages, to pay the interest due on loans and a part of the principal, to furnish the teachers with necessary books and stationery, to furnish the necessary apparatus for the school-house and rooms, and for such other purposes as they may deem proper. Such tax shall not exceed in amount one-fourth of one per cent on the value of such taxable property as the same shall be assessed by the assessors of the town of Flushing, and the said board shall add to the amount of any warrant for the collection of taxes such amount as they may deem proper as the collector's fees for collecting, which compensation, however, shall in no case exceed five per cent on the amount of any warrant.

Supervisor
to pay over
moneys.

§ 8. The supervisor of the town in which said school district is situated, shall pay over to the board of education all the public moneys to which said district number seven is or shall be entitled to for school purposes.

Annual
meeting.

§ 9. The said board of education shall call an annual meeting of the district, at such time in the year as they may deem proper. They shall post up written or printed notices of the same, in eight or more public places in said district, as least one week previous to said meeting, and shall submit thereto a full report in writing of their doings as such board, and shall state therein the number and condition of the schools in said district under their charge and the number of scholars attending the same, the studies pursued, the amount of moneys received from the state as well as the amount required in the district for school purposes, and the expenditure of the same, and generally all the particulars relating to the schools in said district, which report shall

immediately after it is made be published in one or more newspapers published in the village of Flushing.

§ 10. The board of education shall have entire control and charge of the district school library in said district. They may employ a librarian, make such additions to the library and such regulations in relation thereto as they may deem expedient. District li-
brary.

§ 11. Whenever the said board of education shall deem it necessary to erect one or more school-houses in said district they shall prepare an estimate showing the location proposed, the cost of the ground required, a plan of the building with the estimated cost of building and appurtenances, and shall submit the same to the electors, of said district at a special meeting called for that purpose, in the same manner as other special meetings are required to be called, and if a majority of all the electors present vote in favor of the same the said board may proceed to erect said school-house or houses, in the manner proposed by said estimate. Location of
school-
house.

§ 12. The said board of education may call special meetings of said school district, whenever they may deem it necessary. Notices of a meeting shall be posted in eight or more public places, and published in a county paper at least one week previous to such meeting, and no business shall be transacted at such meeting except that stated in the notice calling the same. Any person entitled to vote at any district meeting shall be an elector or legal voter for all purposes under this act. Special
meetings.

§ 13. All laws and parts of laws, inconsistent with this act, are hereby repealed, so far as the same relate to district number seven, in the town of Flushing, county of Queens.

Chap. 51.

AN ACT to amend an act to provide for assessment of damages upon laying out of public highways through unenclosed, unimproved and uncultivated lands, passed April fifteenth, eighteen hundred and fifty-seven.

Passed March 29th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act passed April fifteenth, eighteen hundred and fifty-seven, entitled "An act to provide for assessment of damages upon laying out of public highways through unimproved, unenclosed and uncultivated lands," is hereby amended so as to read as follows:

When a highway shall hereafter be laid out through unenclosed, unimproved and uncultivated lands, the damages shall be assessed in the same manner as if the same were laid out through enclosed, improved and cultivated lands.

§ 2. This act shall take effect immediately.

Chap. 52.

AN ACT to change the name of the Swan Street Methodist Episcopal Church, of the city of Buffalo.

Passed March 29th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the Swan Street Methodist Episcopal Church of the city of Buffalo, is hereby changed to Grace Methodist Episcopal Society of the city of Buffalo.

§ 2. The present trustees of the Swan Street Methodist Episcopal Church of the city of Buffalo, shall be trustees of Grace Methodist Episcopal Society of the city of Buffalo, and shall hold their office the same as if said name had not been changed.

§ 3. All the real or personal property now owned by the Swan Street Methodist Episcopal Church of the city of Buffalo shall hereafter be owned by the Grace Methodist Episcopal Society of the city of Buffalo; and all debts due from the Swan Street Methodist Episcopal Church of the city of Buffalo, shall be payable from the Grace Methodist Episcopal Society of the city of Buffalo, in the same manner as if said name had not been changed.

Chap. 53.

AN ACT to amend an act entitled "An act to incorporate the St. Andrew's Society of the city of Albany," passed March 27, 1821.

Passed March 29th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of an act entitled "An act to incorporate the St. Andrew's society of the city of Albany," passed March twenty-seventh, eighteen hundred and twenty-one, is hereby amended so that the latter clause of said first section shall read as follows: "Provided always that the clear annual value or income of such real and personal estate shall not exceed the sum of two thousand five hundred dollars.

Chap. 54.

AN ACT to authorize the Second Associate Congregation of Hebron, to dispose of church property.

Passed March 29th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the Second Associate Congregation of Hebron, are hereby authorized and empowered to dispose of certain property belonging to them, located in the town of Hebron, Washington county, upon public notice of such sale being given to said congregation at any meeting thereof four successive weeks prior to said sale ; and to dispose of the proceeds derived therefrom among said congregation according and in proportion to the amounts originally subscribed and paid by them for the same, after the payment of the debts due and owing by said congregation.

§ 2. This act shall take effect immediately.

Chap. 55.

AN ACT to change the name of Frances Caroline Fox and Rosina Holton to Frances Caroline Townsend and Anna Hazen Townsend, and to confirm the name assumed by Ingham Fox Townsend.

Passed March 29th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Frances Caroline Fox, residing in the town of Floyd, in the county of Oneida, New York, under twenty-one years of age, may assume the name of Frances Caroline Townsend ; and Rosina Holton, residing at the same place, an infant, may assume the name of Anna Hazen Townsend; and the name assumed by and now conferred upon Ingham Fox Townsend, of the town and county aforesaid, an infant, aged about ten years, whose parents are unknown, shall continue to be known by the name so assumed; and the persons above named shall hereafter be respectively known and designated by the names they are hereby respectively permitted to assume.

§ 2. This act shall take effect immediately.

Chap. 56.

AN ACT to exempt a portion of the fifth ward of the city of Brooklyn from the operation of a law passed April twelfth, eighteen hundred and fifty-five, entitled "An act to establish fire limits and for the more effectual prevention of fires in the city of Brooklyn."

Passed March 29th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the city of Brooklyn, comprised between Front street on a line running in the same direction with Front street to Navy Yard wall on the north, Bridge street on the west, Johnson street on the south, and Navy street and the Navy Yard wall on the east, shall henceforth be exempted from the operation, provisions and restrictions of a law passed April twelfth, eighteen hundred and fifty-five, entitled "An act to establish fire limits, and for the more effectual prevention of fires in the city of Brooklyn."

§ 2. This act shall take effect immediately.

Chap. 57.

AN ACT to increase the number of Notaries Public in the city of Troy.

Passed March 29th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The number of Notaries Public in the city of Troy may hereafter be twenty-five.

§ 2. This act shall take effect immediately.

Chap. 58.

AN ACT to change the corporate name of the trustees of the Washington Street Church, in the city of Rochester.

Passed March 30th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The religious corporation in the city of Rochester, now known by the name of the trustees of the Washington Street Church, shall hereafter be known by the name of the Central Presbyterian Church of the city of Rochester ; and by that name may hold the real and personal estate and choses in action belonging to such corporation, and may do and suffer to be done any act or acts which such corporation might have done or suffered in its original name if this act had not been passed.

§ 2. The trustees of the said corporation now in office, shall continue to be trustees of the said corporation during

the term for which they were respectively elected ; and no act heretofore done or suffered by the said corporation or its trustees, shall in any manner be affected by the change of its name as herein provided, and every debt or duty now due to or from the said corporation, may be enforced by action at law, or otherwise, in the name herein given to it.

§ 3. This act shall take effect immediately.

Chap. 59.

AN ACT making the village of Oswego Falls, in the county of Oswego, a separate road district.

Passed March 30th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Boundaries
and limits.

SECTION 1. All that part of the town of Granby, in the county of Oswego, included within the bounds of the village of Oswego Falls, is hereby declared to be a separate road district, and, with the exception hereinafter mentioned, free from the superintendence and charge of the commissioners of highways of said town of Granby ; and the trustees of said village shall be the exclusive commissioners of highways therein, and they alone shall possess and exercise all the powers and be subject to all the duties of commissioners of highways of towns in repairing, altering, describing, laying out, protecting from encroachments and obstructions, and discontinuing of streets and highways in said village, and making assessments of money and labor therefor within the limits of said village, and in applying labor and laying out money for said purposes ; they shall have power to prescribe the manner, width and material for making and constructing sidewalks and crosswalks in said village, and may expend highway labor or money on the same.

§ 2. The board of trustees of said village shall have

power, and it shall be their duty from time to time to ^{Power of trustees.} appoint street commissioners for said village, and to remove them at discretion, and to fill any vacancy that may exist in said office. The said board may appoint one such commissioner for the whole village or may divide the said village into convenient sections, and may appoint one commissioner for each section ; each street commissioner shall possess and exercise all the powers and discharge all the duties in his section, that are given to and enjoined by law upon overseers of highways, and such other powers and duties as shall be lawfully prescribed from time to time by said board of trustees, by resolution or ordinance ; and shall be accountable to said board of trustees, in the same manner as overseers of highways are by law accountable to commissioners of highways.

§ 3. The board of trustees may cause such portion of the ^{Highway labor, assessment of.} highway labor or money assessed in said village in each year, as they may deem equitable and beneficial, to be laid out on such of the public highways in the town of Granby adjacent to and leading into said village, as they in their discretion may select ; such highway labor or money to be applied by any street commissioner under the general superintendence of the board of trustees.

§ 4. Every bridge over the Oswego river in the bounds ^{Bridge over Oswego river.} of said village, together with the abutments and structures connecting such bridge with the bank of said river and with the roads or streets thereon, is excepted and excluded from the provisions of this act. All such bridges, abutments and structures shall remain subject to the care, control, keeping and management of the commissioners of highways of the town of Granby, as now provided for by law, and the said village of Oswego Falls shall be subject to taxation for its proportionate share of the expenses of the town of Granby in maintaining such bridges, abutments or structures, and for any new bridge, abutment or structure over said river, to be levied, assessed and collected in the same manner as other town or county taxes.

§ 5. The provisions for the election of street commissioners contained in the general law for the incorporation of villages, passed December seventh, eighteen hundred and forty-seven, shall not apply to the said village of Oswego Falls.

§ 6. This act shall take effect immediately.

Chap. 60.

AN ACT to revise and amend the charter of the village of Ogdensburgh.

Passed March 30th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE ONE.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE VILLAGE OF
OGDENSEBURGH.

District.

SECTION 1. That district of country in the county of St. Lawrence, included within the bounds described in the next section, shall hereafter be called the village of Ogdensburgh, and the inhabitants from time to time therein shall form a body politic and corporate, by the name of the village of Ogdensburgh.

Boundaries.

§ 2. The boundaries of said village shall be as follows : Beginning at a point in the river St. Lawrence, where the line between the towns of Oswegatchie and Lisbon, intersects the line between the state of New York and Canada West, and running thence southeasterly along the line between the said towns, to where the division line between sections one and two of the subdivision of the Van Solingen tract, intersects the line between the two said towns ; and running thence southwesterly along the said division line, and on the northerly line of the said section number two, and of sections five, six and seven, in subdivision of said Van Solingen tract, to the centre of the Oswegatchie river ; thence in a strait line to the centre of Cedar street, where it intersects New York avenue, as said streets are laid down and designated on the map of the Mansion and Fordville property, made by Robert Tate ; thence along the centre of said Cedar street, to the easterly line of the lands of Henry Van Rensselaer ; thence northwesterly along this line to the river St. Lawrence, and on same course to the point in said river, where this course would intersect the line between the state of New York and Canada West ; thence down said river, along the northerly line of the county of St. Lawrence, to the place of beginning.

§ 3. The said village shall be divided into three wards, ^{Wards.} as follows: All that part lying westerly of the centre of the Oswegatchie river, shall be the second ward; and that part lying between the centre of said river and the centre of Franklin street, extended to the southerly bounds of the village, shall be the first ward; and all that part of said village lying easterly of the centre of said Franklin street, shall be the third ward.

TITLE TWO.

ELECTION AND APPOINTMENT OF OFFICERS.

§ 4. The officers of said corporation shall be as follows: ^{Officers.}

1. A president;
2. Three trustees for each ward;
3. A police justice;
4. A collector;
5. One police constable;
6. A chief engineer of the fire department, and two assistants;
7. A treasurer;
8. A clerk;
9. One street commissioner.

But no person shall be eligible to hold more than one of said offices at the same time; and the election or appointment to, and acceptance of one office, shall be deemed to be a resignation of any previous office held by such person, and disqualify him for further action in the same, and the same shall be deemed vacant.

§ 5. The treasurer, clerk, police justice, police constable, ^{How elected} street commissioner, and chief engineer of fire department, shall be elected by the board of village trustees at their first meeting in May hereafter, if at such meeting a quorum be present; and if not, at the next meeting when such quorum is present, and it shall require at least five votes to elect. The police justice shall be selected from the justices of the peace of the town of Oswegatchie, unless they shall refuse to serve. The terms of all officers elected by the trustees shall be for one year, or until others are chosen and qualified, unless terminated sooner by resignation, removal or death. The salary of the police justice shall be two hundred dollars per year, and shall not be increased above three hundred dollars, and then only on a vote by ballot at an annual village election, of which a notice of the intention to take such a vote shall be published with the notice

of the election after having been approved by the trustees, and a separate box provided by them to receive said ballots.

§ 6. An annual meeting for the election of officers, and the transaction of other business, shall be held in said village, on the first Tuesday of April in each year, at such place as the trustees may appoint. It shall be the duty of the clerk to publish a notice of each annual meeting and election after the first, in all the newspapers printed in said village, at least one week before the election. If no place should be appointed by the trustees, the meeting shall be held at the same place in which the last preceding annual meeting was held.

Voters.

§ 7. Every resident of said village qualified to vote for member of assembly, may vote at such village meeting; but no person shall vote upon a proposition to raise money by taxation, unless he shall have resided in said village for six months next preceding the time he offers to vote, and shall be a bona fide tax payer in said village, and have been assessed on the last assessment roll of the town, for property in the village.

Polls.

§ 8. At the annual meeting, before the polls are opened for the election of officers, the reports hereinafter required to be made to the meeting, shall be presented and read; the election of officers shall be by ballot, with all the names voted for on one ballot, designating the officer for each, and the ward for which trustees are to be chosen, and no ballot bearing the names of more than two trustees for each and respectively, shall be legal; poll lists shall be kept by the clerk and one trustee designated by the president; the present trustees of the village, or a majority of them, shall be the inspectors of election, and shall give the notice for the same. The final question upon any proposition may likewise be taken by ballot, if before the election of officers commences, one-third of the electors present require it; the polls for the election of officers shall be kept open at least three hours; the qualifications of voters shall be determined by the inspectors, who may have recourse to the last assessment rolls of the town for that purpose, and may examine any person offering to vote, on oath to be administered by either of them, in respect to his qualifications; the inspectors or a majority of them shall *public canvass the votes before adjourning, and shall certify the same upon the journals of the village, together with any resolutions

* So in the original.

adopted by the meeting. The persons having the largest number of votes for each office respectively shall be declared elected.

§ 9. The trustees must at the time of their election or appointment be residents of the wards for which they are respectively chosen ; but a subsequent removal into another ward of the village shall not vacate their offices. Trustees be residents of wards.

§ 10. The several officers elected shall each before entering upon the duties of his office, take and file with the clerk the oath of office prescribed by the constitution. The president and trustees shall receive no compensation for their services. The compensation of the treasurer, clerk, street commissioner and police constable, except for such services as may be a town or county charge, shall be determined by the trustees.

§ 11. A vacancy in any office may be filled by the trustees by the appointment of a person to the office, to hold until the next annual meeting. In case of a tie in the votes for any elective officer, the inspectors shall appoint one of those for whom an equal number of votes were given, to the office. Vacancy.

§ 12. Any elector, elected or appointed to fill any office in the corporation, except collector, treasurer or street commissioner, who shall neglect to take and subscribe the oath of office, within ten days after he is notified of his election or appointment, shall forfeit ten dollars. Oath of office

TITLE THREE.

FINANCIAL REGULATIONS AND RESTRICTIONS.

§ 13. The annual meeting held pursuant to this act, shall determine what sum shall be raised by general tax upon the taxable property in the village for the ordinary expenses of the village. The amount of the general tax shall not exceed one thousand dollars in one year ; and the failure of the annual meeting to fix upon the sum to be raised, shall be deemed the adoption of the sum which was so raised the last preceding year. Sum to be raised by tax.

§ 14. Only the following items shall be included in the ordinary expenses of the village :

1. The compensation to those officers of the village, to whom compensation is expressly allowed by law ;

2. For publishing the charter and by-laws of the village, the proceedings of the trustees, and of notices ;

3. For the necessary expenses of surveys and maps of the village, and of any streets and squares ;

4. For procuring the necessary blank books, blank forms, paper and book cases, for the use of the clerk and other village officers, and for rent of a room and furniture, fuel and lights, for the meetings of the trustees and board of education, and for the electors, and for rent of a police court room ;

5. For prosecuting and defending actions in which the village is a party, or bound to indemnify a party, and for other services requiring legal skill ;

6. For constructing and repairing crosswalks ;

7. For the necessary advances in making or repairing sidewalks, or abating nuisances, after such proceedings have been had as to make such expenses a lien upon real property, upon failure of the owner to comply with the directions of the trustees in respect thereto ;

8. For maintaining and keeping in repair and serviceable condition the fire engines, fire hooks and ladders, and other apparatus for extinguishing fires ;

9. For maintaining and keeping in good repair, an engine house for each engine and its apparatus, or for hiring suitable places for those purposes ;

10. For procuring and maintaining a public pound ;

11. For constructing and keeping in repair any public reservoirs which may be constructed, and the water pipes and fixtures connected therewith, and for maintaining supplies of water therein, and for keeping in repair any other property belonging to the village ;

12. For making and maintaining sidewalks in front of any public grounds in said village, set apart, or which may be set apart and dedicated to public use, and for planting and securing trees in and about such grounds, and for paying any taxes or assessments lawfully assessed thereon, or upon any property belonging to the village ;

13. To light such of the streets of the village as they may deem proper ;

14. To pay any damages lawfully ascertained or assessed upon laying out, opening or altering any street ;

15. For the necessary expenses of doing any act expressly authorized by law, and to pay any lawful judgment against the village ;

16. To pay salary of superintendent of schools, and for printing for board of education ;

17. Any surplus of the general fund may be appropriated by the trustees to any of the special purposes enumerated in section fifteen.

§ 15. Such meeting may direct the trustees to cause to be raised by general tax upon the taxable property in the village, a specified sum of money for special purposes, in addition to the ordinary expenses of the village, for one or more of the following objects :

1. To purchase fire engines, fire hooks, ladders, hose, and other apparatus for extinguishing fires ;

2. To purchase or to hire sites, and to hire, purchase or erect buildings for suitable engine houses, when necessary ;

3. For the construction of public reservoirs of water, and the necessary apparatus for conducting water to and from them, and the necessary fixtures therefor, for the extinguishment of fires ;

4. For improving any public grounds of the village ;

5. For procuring and fitting up a lock-up and police court room ;

6. For procuring the necessary fixtures, and lighting the streets, when the general fund shall be insufficient ;

7. For purchasing grounds for public cemeteries ;

8. For purchasing or leasing grounds for village purposes, and for erecting, improving, furnishing or repairing any public buildings owned or used for village purposes.

§ 16. Before any tax for a special purpose can be voted for at any such meeting, a notice must be published by order of the trustees, and signed by the president or clerk, for at least two weeks before such meeting, in all the newspapers published weekly in said village, stating that the meeting will be called upon to vote for a special tax, specifying the object or objects, stating the sum proposed to be raised for each object, and an estimate by items of the cost of each proposed object ; and submitting one or more resolutions substantially in the following form : " Resolved, that the sum of dollars be raised by tax for the purpose of " (stating concisely the purpose of raising the proposed tax). If more than one resolution be proposed, they shall be numbered. The vote thereon shall be taken by ballot, which shall have on the inside the words " for the resolution," or " against the resolution," and be deposited in a separate box to be labeled " village tax;" and when more than one resolution is submitted, the vote shall

Notice of
tax to be
given.

have the words "for the first resolution," or "against the first resolution," and so as to each resolution submitted.

Resolution
to raise tax.

§ 17. A resolution to raise money by tax shall be to defray the ordinary expenses of the village, or for some of the objects enumerated in the fifteenth section of this act, and must specify the amount to be raised, and the purpose for which it is to be raised, and shall embrace but one such special purpose. And any resolution adopted in violation of this title shall be void.

Moneys to
be applied.

§ 18. The money raised for a special purpose, must be applied to such purpose only, and must be kept in a distinct fund in a separate account on the treasurer's books; but its purpose and object may be changed to any other object, by a subsequent resolution of another meeting, submitted by the trustees and adopted after due notice, in the same manner as herein provided for the resolution directing such tax, when such change can be made without violating a contract. The vote on such resolution shall be taken by ballot, having on the inside the words "for the resolution," or "against the resolution."

Estimated
expenses.

§ 19. When the entire estimated expenses of all special objects for which a tax shall be directed to be raised in any one year, shall not exceed five hundred dollars, the whole amount shall be assessed and the warrant for the collection thereof issued, within the year in which the resolution or resolutions are adopted. If the whole amount required exceed that sum, the meeting may direct what portion shall be assessed the first year; and the residue with necessary interest, shall be assessed and a warrant issued therefor during the second year.

Debt.

§ 20. No debt or liability shall be incurred by the village, except for its ordinary expenses within the income of the current year applicable to that purpose, except that when the raising of money for a special purpose shall be ordered as provided in this act, the amount when necessary may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by tax, as herein provided.

§ 21. Claims against the village shall only be paid when presented, allowed and certified as follows:

Claim
against vil-
lage.

1. The claim must be in writing, showing the nature thereof, and when comprising several items, specifying them, and must be verified by the affidavit of the claimant,

or of some other person, to the effect that the services were rendered or disbursements made, or otherwise proving the facts constituting the claim, and that no payment has been made thereon, or if any, how much.

2. The claim must be presented to the board of trustees, and allowed by resolution, adopted by ayes and noes and entered upon the journal, and shall be for such items only as are allowable under the charter.

3. The order for the payment of moneys so allowed by the board of trustees, shall state the purpose for which it is drawn, the fund which it is drawn upon; shall be signed by the president and clerk, and unless so drawn, shall not be paid by the treasurer.

4. The clerk shall keep a record of all orders drawn, which shall be numbered consecutively, and a reference on each such record, to the resolution authorizing such order.

TITLE FOUR.

POWERS AND DUTIES OF THE PRESIDENT.

§ 22. The president shall be the chief executive officer ^{President.} of the village; shall preside at all annual and special meetings of the village, and at the meetings of the trustees; shall only vote when there is a tie, but may submit propositions for the action of the trustees. He shall see that the provisions of this act, and the by-laws and ordinances of the village are faithfully executed, and shall receive complaints and institute prosecutions for their violation. He shall have the power and it shall be his duty to suspend, until after the next election, the operation of any resolution or ordinance of the trustees, by his order, to be entered upon the journal, with his reasons therefor, when in his judgment it is in violation of law, or appropriated money, or involves expenditures improvidently. If adopted by the next board of trustees, it shall not be so suspended. The president, in behalf of the village, shall execute all leases, contracts, licenses and other papers to be executed as the act of the village, when so authorized by the trustees.

§ 23. The president shall submit to the annual meeting a ^{Report of.} report of the financial transactions of the village for the year, showing:

1. All moneys raised or received, and from what sources, distinguishing also the funds and the purposes to which they belong;

2. All payments, specifying each item, and out of what fund;

3. The entire indebtedness of the village, if any, distinguishing the funds indebted, and stating the payment thereon, and when made.

The president shall also submit an estimate of the amount required to be raised by tax for the ensuing year for ordinary village expenditures, specifying details as far as practicable; it may also contain such other statements as the president may deem useful for the information of the meeting.

§ 24. The president's report shall be submitted to a meeting of the trustees, at least five days before the annual meeting, and so much at least thereof as shows the receipts and expenditures for the year, and the estimate for the ensuing year, shall be published in a newspaper published in the village, at least three days before the annual meeting.

Administer
oath, &c.

§ 25. The president may administer any oath required by this act to be taken.

§ 26. The president shall have the power and it shall be his duty to suppress riots, and to order and compel all tumultuous assemblies to disperse; and he shall have the same power for these purposes as is given by law to sheriffs in cases of resistance to the execution of process.

TITLE FIVE.

POWERS AND DUTIES OF TRUSTEES.

Trustees.

§ 27. The trustees shall only transact business as a board, sitting in public; at least five must be present, and all their acts shall be entered on the journal of the village. The concurrence of five trustees shall be requisite to pass any resolution or ordinance which necessarily involves the appropriation of any money or property of the village, or for any assessment upon lots, for sidewalks or streets, or laying out, altering or discontinuing a street, or declaring a nuisance, and directing its removal or abatement.

Meetings of.

§ 28. Meetings of the trustees may be held pursuant to adjournment, or upon a call by the president or any three trustees; and it shall be the duty of the president or trustees calling a meeting, to cause to be notified all the trustees who are in the village at the time. Votes upon any ques-

tion shall be taken by yeas and nays, whenever required by any trustees or by the president.

§ 29. Whenever the president shall be absent from the village, or from a meeting, the trustees may appoint one of their number president for the time being, who shall hold the office until the president returns, but shall vote as a trustee, and not have a casting vote. ^{President absent.}

§ 30. It shall be the duty of the trustees, and they shall have the power:

1. To appoint the usual officers, whose offices are held by appointment under them, and to fill vacancies therein, and to fill any vacancy in any other office by appointment of a suitable person, who, if the office is elective shall hold only until the next annual election; and if the vacant term be not then terminated, it shall then be filled for the residue of the term by election. ^{Powers and duties of trustees.}

2. To provide for the care, custody and preservation of the public property, records and papers of such village.

3. To organize, and keep under good and sufficient organization, such and so many fire companies, and such hose, hook and ladder, and other companies as they may deem proper for the extinguishment of fires, and for the security and protection of property thereat.

4. To see that the officers of the village perform their duties faithfully and correctly, and to cause measures to be taken to punish neglect of duty by any of them.

5. To call special meetings of the electors, when in their judgment, the interest of the village shall require it, and to give notice in the manner provided for by law, for the annual and special meetings.

6. To examine all accounts and claims against the village, and to allow such as are just and legal.

7. To fix the amount and decide upon the sufficiency of the sureties in the official security of the treasurer, collector, street commissioner, and police constable, and other officers from whom they may require security; and to require additional security from any such officer when they may deem it necessary and suspend him until it is given.

8. To prescribe the manner in which the treasurer shall keep the accounts and vouchers of his office, and also in which the clerk shall keep the records and papers of the village, and, to examine such accounts, vouchers and records from time to time, in order to detect errors therein.

9. To issue warrants for the collection of taxes and

assessments, and of the expenses of making and repairing sidewalks, abating nuisances, and damages for land taken for streets. Such warrants shall require the moneys therein mentioned to be paid to the treasurer, and shall be returnable to the clerk in sixty days from the time of issuing the same; and if not wholly collected, the trustees may from time to time renew the same, returnable in thirty days.

10. To order real property to be leased to satisfy taxes, expenses or assessments charged thereon, and not paid or collected.

11. To prevent the use of any unsafe fire places, stoves, chimneys, stove pipes, smoke house or repository of ashes.

12. To direct the manner and superintend the making and repairing of sidewalks and crosswalks in said village.

To exercise
duties of
commission-
ers of high-
ways, &c.

13. To exercise the duties of commissioners of highways of towns, within the limits of the village, so far as those powers and duties are consistent with other parts of this act, and are applicable to the village; and to direct the application of the highway labor, assessed on the persons and property in the village, to the grading, paving, flagging, planking, draining, and otherwise improving the highways, in such places within the village or leading to it, as they may deem best; and also to direct the application of a part thereof to the grading of any public grounds, and the planting and securing trees thereon; and to the construction and repairing of sewers.

14. To suppress and restrain disorderly houses and houses of ill-fame.

15. To direct the location of all slaughter houses, markets or shops for the selling of meat, houses for storing gunpowder, and other combustibles and explosive substances, and to regulate the keeping, selling or conveying thereof.

16. To prohibit the depositing, and prevent the keeping of any unwholesome or nauseous substance, and to compel the cleaning of any filthy place or building.

17. To prohibit horse racing and immoderate driving in the streets, to prevent the incumbering of streets, crosswalks and sidewalks, and to compel every person to clear the snow and dirt from off the sidewalk in front of the premises owned or occupied, in whole or in part, by such person; and to clear the dirt from the street in front of the same, when such street is paved or planked.

18. To prevent or regulate the ringing or tolling of bells (except those of railroad cars and engines), blowing of

horns, or crying of goods or wares, firing of guns, gun-powder, or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the village; and the sale or exposure to sale of fire crackers, rockets, squibs, or other explosive compounds.

19. To regulate and determine the places of bathing in the rivers, canals or ponds within the village.

20. To regulate the burial of the dead, and protect the public cemeteries.

21. To perform all the duties imposed upon them by this act, or by any other law of the state.

§ 31. The trustees shall have the power in their discretion:

1. To establish and regulate a public pound, and appoint and define the duties of a pound master; but such duties shall not be inconsistent with the laws of this state. Powers continued.

2. To restrain cattle, horses, sheep, swine and geese from going at large in the streets, under a penalty not exceeding five dollars for each animal; and to cause any such animals to be impounded and sold as may be provided in the by-laws, to satisfy such penalty and expenses; and the owner of any such animal shall be liable to the penalty.

3. To cause buildings and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof, and to issue their warrant against any such owner or occupant, to collect the necessary expenses of such removal.

4. To permit building materials to be deposited on the street in front of any lot, to such extent and for such time as they may prescribe.

5. To determine the existence of a public nuisance in any part of the village, and to compel its removal or abatement; and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien upon the lot, and to enforce the collection thereof by leasing or selling the premises in the manner prescribed in this act, or by action against the owner of the lot, or any other person who may have erected or maintained such nuisance. Nuisances.

6. To prohibit the erection of wooden buildings within or in the vicinity of the compact parts of the village to be Wood building.

* So in the original.

specified; but such power shall only be exercised upon a vote of two-thirds of the trustees elected.

7. To prohibit the flying of kites, playing ball, rolling hoops, sliding down hill, in any specified street or parts of the village.

Firemen

8. To appoint and dismiss firemen, including members of fire engine and hook and ladder companies, and to make regulations for their conduct and government.

Streets.

9. To give names to streets, and numbers to the lots and tenements, and to change the same; to cause streets to be surveyed, and maps of the village to be made and lithographed, and to sell copies to defray the expenses thereof.

10. To cause prosecution upon any contract or liability in which the village is interested, or for fines and penalties imposed by this act, or by any by-law of the village, and to enforce the collection thereof, or to remit the same, or any part thereof.

Employ attorneys.

11. To employ attorneys in the prosecution or defense of any action by or against the village, or for the transaction of any business of the village requiring professional skill.

12. To regulate and limit the places of holding auction sales.

13. To establish and regulate public wells, pumps, aqueducts and reservoirs.

Weighing hay, &c.

14. To regulate and prescribe the places of weighing hay and straw, and of marketing the same, and wood and coal. To appoint weighers and measurers, limit their fees, and to prohibit and prevent the offering for sale of any such commodities in any public street of said village, without the same having been weighed or measured, and to require such weight or measure to be made known to purchasers, and as the trustees may prescribe.

Drivers and runners.

15. To prevent runners, stage-drivers and others from soliciting passengers and others to travel or ride in any stage, omnibus, boat, or upon any railroad, or to go to any hotel or otherwise.

Hacks.

16. To license, regulate and control all porters, cartmen, hack or cab men, stages or omnibusses, for the transportation of passengers within the village, to fix their rates of compensation, and require them to have licenses.

Dogs.

17. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

18. To prohibit all exhibitions of any natural or artificial Exhibitions. curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances for money, within the bounds of the village; or, if the trustees deem advisable, to license or authorize the president to license the same on such terms as they may think proper.

19. To do any act necessary to carry into effect any resolution, ordinance or other proceeding which they are authorized to adopt by this act or by any statute.

20. To appoint special constables on extraordinary occasions, for one day only, and to pay them.

21. To make such regulations as they may deem proper Riots, &c. to prevent riots, disturbances and disorderly assemblages; to restrain and punish vagrants, mendicants, common prostitutes, gamblers and disorderly persons, and for the protection of the public property, and the regulation and protection of the streets and public highways in said village.

§ 32. The trustees of said village may make, amend and Ordinances, &c. repeal all such by-laws, ordinances and police regulations, not contrary to the laws of this state, as may be necessary or proper to carry into effect the provisions of this act, and of any other laws applicable to said village and to the powers vested in any officer thereof, and may prescribe penalties not exceeding fifty dollars for each violation of any such by-law or ordinance. Every such by-law or ordinance imposing any penalty or forfeiture, shall be published two weeks successively, once in each week, in the newspapers printed in said village, and shall not take effect until after such publication. Proof of such publication, by the affidavit of the printer of such paper, his foreman or clerk, shall be filed with the clerk of the village, and shall be prima facie evidence of such publication.

§ 33. The trustees shall have power from time to time, to prescribe the duties of the several officers appointed by them, subject to the provisions of this act.

§ 34. No trustee shall be appointed to any office by the Trustees not to be interested in any contract. board of trustees, nor shall the president or any trustee be interested in any contract made with the corporation, and any contract made in violation of this provision shall be void.

§ 35. The trustees shall have power to lay out, make and Trustees to open streets, &c. open any street, alley or highway of such width as they shall deem proper, and to cause any street, alley or highway already laid out to be opened, altered, extended or widened,

whenever they shall deem the public good to require : provided, such street, alley or highway shall not be so laid out or altered as to run over the site of any dwelling house erected before the same road, street or highway shall be so laid out or altered; and the owners of any lands over which such street, alley or highway shall be laid out or altered, shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof; and the manner of ascertaining or assessing such damages shall be the same as is now provided by law in cases of laying out and opening highways : provided, the damages so ascertained shall be paid by the trustees, within thirty days after the same shall be so ascertained, and in default thereof, the said street, alley or highway, or the alteration thereof, shall be of no avail as against the rights of the owner of said land.

Trustees to
cause side-
walks to be
flagged, &c.

§ 36. The board of trustees shall have the power, by a vote of two-thirds of all the members elected, to cause any sidewalks in said village, which have not already been flagged and curbed, to be raised, leveled, graded, curbed and flagged or planked, in such manner and with such material as they may deem proper ; and to cause any sidewalks which have been flagged and curbed, to be relaid, amended or repaired whenever they may deem it necessary, and the said board shall assess the expenses of every improvement against the owner of the lot along or adjoining which such work shall be done, and which shall be a lien upon such lots, and a charge against the owners respectively thereof. Before doing such work, it shall be the duty of the trustees to cause a notice to be served on each of the owners resident in said village, personally, or at their residences specifying the improvement to be made, of what material, and the manner in which they require the same to be done, and the time, not exceeding sixty days, in which the owners may do such work along their respective lots. The board of trustees may also, in their discretion, cause common sewers and drains to be made in any part of the village, upon the application, in writing in each case, of a majority of the resident owners of the lots along which the proposed sewer or drain is to be built, and may determine what share or proportion, if any, of the expense of the same shall be paid by the village, and may require the assessors to apportion and assess the expense thereof, or the residue of such expense, upon the owner or owners of, or others interested in the buildings, tenements, lots and real

Assessments

estate which they shall deem benefited thereby, in proportion, as near as may be, to the benefits and advantages which each shall acquire thereby. A certificate of such assessment and apportionment, signed by the assessors making the same, shall be filed in the office of the village clerk, and shall be binding and conclusive upon the owner or owners and others interested, and the amount assessed against the owners of and persons interested in each of such lots and real estate respectively, shall be a lien upon such lots and real estate. And for all such liens and charges the trustees shall issue their warrants, and cause the same to be collected, with interest from the date of the assessment, in the same manner as other village taxes and assessments are collected. Any person in possession of any real estate under contract for the purchase thereof, may in the discretion of the trustees be deemed the owner thereof for all the purposes of this act.

TITLE SIX.

FERRIES.

§ 37. The board of trustees of the village of Ogdens-^{Ferries.}burgh are hereby vested with the power to control, regulate, lease and license such and so many ferries across the St. Lawrence river, from said village to the Canada shore opposite the same, as they shall deem proper; to fix the rates of ferriage for persons and property, the kind and character of the boats to be used on the same, the places where the same shall run, and the times when the same shall leave, and to adopt such other rules and regulations in relation thereto as said board may from time to time deem proper.

§ 38. No lease or license shall be granted by said board, ^{Price of ferry} for any one period over ten years, and such lease or license ^{license.} shall in all cases be granted to terminate on the first Monday of April. Before the expiration of any lease or license of such ferries, the said board of trustees shall meet and determine the price per annum to be paid for each license, which shall not be less than fifty nor over one hundred dollars, the kind of boats to be used, the number of ferries to be allowed, the places where the same shall land, and the period for which the same shall continue, and the ferry be let or licensed. The terms so fixed upon by said board, together with a notice that sealed proposals will be received for letting and taking a license of one or more of said

Notice of
proposals,
&c.

ferries, on the terms fixed by said board, shall be published for two weeks in at least two newspapers published in said village. At the time appointed by the notice, the said board shall meet and open any proposals that may have been offered, and the person or persons offering to carry passengers and property at the lowest rates, for one or more ferries upon complying with all the provisions of the law, and the regulations of the said board, shall be entitled to receive from said board a lease for the use of, and a license to run such ferry, for the period mentioned in such proposals, and at the rates fixed according to the proposals, unless he shall sooner forfeit the same. No such lease shall preclude the same or any other board from leasing ferries from any other points in the village.

Bond of fer-
ryman.

§ 39. Every person who shall be entitled to receive a lease and license from said board for any ferry, shall, before the same be delivered to him, enter into a bond with one or more sufficient sureties, to be approved by the president, in a penalty of one thousand dollars, conditioned that he will faithfully keep and attend such ferry, and will at all times run the same at such rate, with such boats, at such time and in such manner as is specified in his said lease, and that he will faithfully keep and observe all the by-laws and regulations which may be adopted by said board, relating to ferries, under a forfeiture of twenty-five dollars for each and every neglect or violation. Said bond shall be filed with the clerk of said board.

Moneys re-
ceived, how
applied.

§ 40. The moneys received from the leasing and licensing of said ferry, after deducting the necessary expenses of granting the same, shall be disposed of as follows:

Ogdens-
burgh acad-
emy.

1. There shall be paid to the treasurer of the Ogdensburgh Academy, for the use of said academy, the sum of fifty dollars per annum for each and every one thousand inhabitants residing within the limits of said village, but such payment to said academy shall not exceed the sum of one thousand dollars in any one year.

2. The overplus, if any, shall be paid over to the treasurer of said village, and shall belong to the general fund.

No person to
be engaged
in ferrying
without li-
cense.

§ 41. Any person or persons who shall carry on any ferry, or be in any way concerned or engaged in carrying on the business of ferrying across the St. Lawrence now between the said village of Ogdensburgh and the Canada shore opposite, unless by virtue of a lease and license granted by the said board of trustees as herein provided,

such person or persons shall be deemed to use and carry on such ferry for profit or hire, and shall be deemed guilty of a misdemeanor, and on conviction, shall be subject to a fine of twenty-five dollars for the use of said village, or to imprisonment not exceeding sixty days, or to both such fine and imprisonment in the discretion of the court.

TITLE SEVEN.

DUTIES OF THE TREASURER AND CLERK.

§ 42. The treasurer, before entering upon his official duties, shall execute a bond to the corporation, in such penalty and with such sureties as the trustees shall approve, conditioned that he will faithfully perform the duties of his office, and account for and pay over according to law all moneys belonging to the corporation, that shall come into his hands. He shall receive all moneys belonging to the village, and shall pay out the same from the proper fund on the order of the president, countersigned by the clerk. Bond of Treasurer.

§ 43. The treasurer shall, one week before each annual meeting, present to the president a statement showing the state of the treasury as to each fund, and the several sums received and paid out during the year, and when received and paid, and from and to whom. He shall deliver to his successor in office, on receiving six days' notice to that effect, all moneys, books, vouchers and papers appertaining to the office. Treasurer to make annual statement

§ 44. The clerk shall attend and act as clerk at all the village elections and meetings of the trustees, and record in the proper journals of the village, all resolutions, ordinances, directions and determinations adopted at such meetings, including the election of officers. He shall also enter in a book to be called the clerk's minutes, a memorandum of the service of all notices by him, stating the time and manner of service, and of any other acts appertaining to the duties of his office, which the trustees may require him to enter. He shall serve all notices and file all papers required by the trustees or by this act, make copies of such assessment rolls and other papers as may be required by the trustees or president, and shall keep in good order the books and papers pertaining to his office, he shall enter in the journal the names of the trustees voting on each side on any question, except motions to adjourn and informal questions. Clerk.

Minutes of
Clerk.

§ 45. The entries in the journals and clerk's minutes, or sworn copies thereof, shall be presumptive evidence of the facts therein stated.

TITLE EIGHT.

Board of
trustees to
apportion
highway
tax, &c.

§ 46. The board of trustees of said village shall apportion the amount required by law to be raised by tax for the general, highway, special and school funds in each year, upon the real and personal property in said village, as the same shall be set down and valued in the last preceding assessment roll of the town of Oswegatchie, and as the same may be added to, or changed by the said board, under the authority herein given ; and shall, on or before the first day of June in each year, complete such apportionment and assessment, and deliver the warrant for the collection of any tax to be collected, to the collector.

Powers of
trustees.

§ 47. The board of trustees of the village are hereby invested with authority at any time before making the final apportionment of taxes, upon five days' notice to the party or parties interested, to add to said town assessment roll, for assessment for village purposes, any property liable to assessment, which may have come within the bounds of said corporation since the making of the town roll, or which may have been omitted by the town assessors ; and also to reassess in their discretion, any property which has, since the making of said town assessment roll, changed in value.

Assessment
roll to be
delivered to
street com-
missioner.

§ 48. Upon the completion of the roll for the apportionment of highway labor or tax, the trustees shall cause a copy to be made and delivered to the street commissioner, with directions thereon, subscribed by their president and clerk, to cause the same to be expended in the highways and streets, in such district and manner, and otherwise, as may be directed by the trustees under the provisions of this act.

Street com-
missioner to
make report

§ 49. The street commissioner shall from time to time, report to the trustees the names of any person or persons within his district, liable to be assessed in money or labor, for highway purposes, and whose names are not on the tax list, and said trustees shall cause such names to be added to said list and the tax collected.

Powers of
street com-
missioner.

§ 50. The street commissioner, upon the receipt of the assessment roll, shall have the power and be charged with

the same duties, in respect to the persons and property, and for the collection of the assessment and the expenditures thereof within his district and other places where the same may be lawfully applied, as is vested by law in the overseer of a highway district in a town, subject to the directions of the trustees, except he shall receive commutations only at the rates fixed by the board of trustees.

§ 51. It shall be the duty of the street commissioner to ^{Duties of.} enforce, collect and apply all the highway labor assessed, and to keep in good condition the streets and highways within the boundaries of his district, subject to the direction of the trustees as herein provided, and to superintend personally the work done, to make return on oath to the trustees as often as required by the president or any two trustees, showing the amount of work done, and money collected and applied, the kind of improvement, and when and where, and on what street or place expended, and at least two weeks before the annual meeting, to return his assessment roll with all the money or work noted thereon, and showing all the arrearages uncollected, and to render a full account on oath, stating the amount received and applied, and the balance, if any, which has been collected and not expended, and to pay over any such balance to the treasurer.

§ 52. If the highway assessment against any person or ^{Unpaid as-} property, shall be returned by the street commissioner or collector as unpaid, the trustees for the ensuing year shall add the amount thereof to the assessment of the same person or property for that year. If any property owned by a non-resident of the village, shall be insufficiently described, either upon the general assessment roll or for highway labor, to enable a sale thereof to be made, the trustees may alter and correct such description, at any time before the final return thereof. All taxes on property of non-residents, including highway labor, at the rate of sixty-two and a half cents per day, shall be liens on the said property.

§ 53. A resolution may be adopted at any annual meeting, that the highway assessment shall be payable in money; ^{Highway assessments may be paid in money.} and thereafter, in each year, until such resolution shall be rescinded, the trustees shall assess against every person liable to a poll tax in said village, except firemen, one dollar, and the residue of the money which they shall deem necessary, or which may be directed in accordance with section seventeen of this act, for the improvement of the

highways for the current year, not exceeding the rate of fifteen cents upon every one hundred dollars of the valuation of property upon the town assessment roll, shall be assessed by them in the same manner as they are required by law to assess other taxes voted at such meeting. Such taxes for highway purposes shall be included in the same tax list with the general and special taxes, if any, and be enforced and collected in the same manner.

They shall specify in their certificate the amount included for the highway fund, which shall be kept separate from other funds, and shall only be appropriated to the purposes for which highway labor in said village is allowed by law to be applied. The collector shall from time to time add to such lists the names of new inhabitants, and of any persons liable to be assessed, who may have been omitted, assessing against each the sum of one dollar, subject to an appeal to the trustees.

SALE OF LOTS FOR ASSESSMENT.

Refusal or
neglect to
pay tax.

§ 54. Whenever any person or corporation, upon whose estate or property a tax or assessment shall be imposed or assessed in pursuance of this act, shall refuse or neglect to pay the same within the life of the warrant issued for the collection thereof, and there shall be no sufficient personal property of such person or corporation found within the limits of said village, whereof the same can be levied and collected, the collector or street commissioner holding such warrant, shall make return thereof to the trustees, who are thereupon hereby authorized to cause the estate on which such tax or assessment was imposed or assessed, to be sold at public auction for a term of time, for the payment of such tax or assessment, giving six weeks' notice of such sale in two newspapers published in said village, and serving personal notice upon the owner of such estate, if he be a resident of said village, and if not a resident, then serving notice by mail upon such owner, if his place of residence be known to said trustees; and the said estate shall be sold to the person who shall offer to take it for the shortest term, for the payment of such tax or assessment and interest, and the expenses of the said publication, notice and sale, which shall be the same as provided by law in cases of foreclosure of mortgages by advertisement.

When real
estate sold
for taxes.

§ 55. Whenever any real estate shall be sold for the collection of any tax or assessments, and the owner thereof, his

heir or assigns, shall not within one year thereafter, have paid or tendered to the purchaser thereof, or his legal representative, or the treasurer of the village of Ogdensburgh, the amount of the bid on such sale, with interest at the rate of fourteen per cent per annum, from and after the time of such sale, the trustees shall deliver to the purchaser or his assigns a certificate of such sale, under the seal of said village, signed by the president and clerk of said village, the execution whereof may be proved and acknowledged as deeds, and may in like manner and with like effect be recorded as other conveyances of real estate.

§ 56. The purchaser at any such sale, on receiving such ^{Purchaser of} certificate, or his executor, administrator or assigns, may immediately enter into the possession of such real estate, and hold, occupy and enjoy the same during the time for which it was sold as aforesaid; and such certificate shall in all courts and places be held presumptive evidence of the right of such purchaser, his heirs or assigns, to the possession of such premises during such term, as against the said owner or those claiming under him.

§ 57. The collector shall be vested with the same powers, ^{Power of collector.} and entitled to the same compensation in respect thereto, as collector of taxes in a town, and shall proceed in the same manner, except as herein otherwise provided, and except that the notice of the times and places at which he will receive taxes, required to be posted, shall instead thereof, be published in two newspapers, printed and published in said village; and he shall be entitled to the same fees as town collector, and shall within the time fixed for the return of his warrant, pay over to the treasurer all moneys collected by him, and return the said warrant to the clerk.

§ 58. The street commissioner shall only act as such; he ^{Street commissioner not to be interested in any job, &c.} shall be in no wise, either directly or indirectly interested in any job, work, team or labor of any person employed on the highway work, or streets of the village; he shall at the first meeting of the board of trustees in each month, or oftener if required, make a report to the said board, under oath, of all the moneys received by him officially, stating who from and what for, together with the amount expended, and what for, and to whom paid, giving name and date, the work done and place where, and who done by; and for each and every omission to make and deliver such report, he shall forfeit ten dollars, to be sued for and collected by the board of trustees, and until paid, suspended from office.

§ 59. The provisions of the twenty-ninth section of the act entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts," passed May tenth, eighteen hundred and forty-five, shall only apply to the collector of said village, in the collection of taxes apportioned pursuant to section fifty-six of the village charter. Under all other warrants issued to said collector, he shall collect interest from the date of the original warrant, at the rate of seven per cent upon all sums required thereby to be collected, when any warrant may have been renewed.

TITLE TEN.

OF THE ENGINEERS AND FIREMEN.

Firemen. § 60. The chief engineer of the fire department shall, under the direction of the trustees, have the general superintendence and custody of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make detailed reports to the president of the state of that department one week before each annual meeting, and to make like reports to the trustees as often as they may require.

Chief engineer, duties of. § 61. It shall be the duty of the chief engineer to be present at fires of buildings, and take the command of the fire companies, hose companies and hook and ladder companies, and the general control of all apparatus for extinguishing such fires.

Assistant engineers. § 62. The assistant engineers shall aid the chief engineer at all fires, and in case of the absence of the chief engineer, the duties and powers of the office shall be exercised by the first assistant engineer, or in his absence, by the second.

Power of president and engineers at fires. § 63. The president or any engineer or trustee may keep all idle or suspicious persons away from the vicinity of any fire, and may require the inhabitants of said village, or any bystanders, to form ranks or lines to carry water for the extinguishing of any fire in said village, and to aid the firemen in working their engines, hooks, ladders and hose, and to aid in removing and protecting property thereat; and every person refusing to obey such order shall be subject to a fine of three dollars, to be sued for and recovered in

the name of the corporation, and paid to such fire company as the chief engineer may direct.

§ 64. The trustees shall require the inhabitants of said village to provide so many fire buckets, and in such manner and times as they shall prescribe, and regulate the use of them in case of fire. Buckets.

§ 65. The present firemen of the village of Ogdensburgh, shall continue firemen of said village, subject to removal by the trustees. The firemen of said village shall, during the term of their service, be exempted from serving on juries and in the militia, except in cases of war, insurrection or invasion, and also from any poll tax. Present firemen.

§ 66. The name of each fireman, with the date of his appointment and term of service, shall be registered with the clerk of the village, in a book to be kept for that purpose; and the only evidence necessary to entitle a fireman to his exemption, shall be the certificate of the president and clerk, under the seal of the village, and which shall be granted without fee. Name of each fireman

TITLE ELEVEN.

OF THE POLICE DEPARTMENT.

§ 67. The police justice shall have the same powers and jurisdiction, and be subject to the same duties and liabilities, as justices of the peace of the town of Oswegatchie, except as herein otherwise provided, and his judgments and proceedings may be reviewed in the same manner as is or may be provided in cases of judgments and proceedings of justices of the peace. Police justice, powers and jurisdiction of.

§ 68. Such police justice shall attend in a room in the village of Ogdensburgh, to be provided by the trustees for that purpose, from eight o'clock to ten o'clock in the forenoon of every day, except Sunday, and as much longer as the duties of his office may require, and hear all complaints, hold courts of special sessions, and conduct all other criminal business that may by law be done by a justice of the peace, in cases of crimes or offences committed within the village of Ogdensburgh. To attend at room every day.

§ 69. No justice of the peace of the town of Oswegatchie shall be bound to render any service, or be entitled to receive any fees in criminal cases arising in said village, except during a vacancy in the office of police justice; and except that in case a complaint shall by his own oath, or Justice of peace of town of Oswegatchie.

that of any other person, prove to such justice of the peace that said police justice is absent from the village, or is sick or otherwise unable to attend to such application, then the justice to whom such application is made shall hear the complaint, and may issue the warrant to apprehend the person charged with the commission of the offence, and shall be entitled to receive therefor the fees allowed by law; but such warrant shall be made returnable before the said police justice.

Vacancy in
police justice.

§ 70. Whenever there shall be a vacancy in the office of police justice, and in case of his absence or inability to act, by reason of sickness, or interest, or other disability, every justice of the peace in said village shall have the same jurisdiction of civil actions which is conferred by law upon said police justice, and shall be entitled to the fees prescribed by law for his services.

Warrants.

§ 71. It shall be the duty of every constable arresting any person on a criminal warrant, issued by any justice of the peace in said village, to take such prisoner before said police justice, unless it shall appear by the warrant, that the offence charged was committed out of the village of Ogdensburgh, and the police justice shall proceed thereon as though the warrant was issued by, or returnable before him. And in case the police justice is absent from town, or by reason of sickness or other cause, unable to hear the case, then the constable shall take the prisoner arrested before one of the justices of the peace of the town of Oswegatchie, who shall proceed thereon, and be entitled to fees for his services.

Subpoenas.

§ 72. It shall be the duty of the police justice, whenever requested by the president of the village, to issue subpoenas requiring any persons to appear before him to give evidence, upon a complaint for an offence committed in said village. Upon the return of such subpoena, the police justice shall examine the witness or witnesses on oath, in relation to the offence supposed to have been committed, and if it shall appear that any such offence had been committed, he shall proceed thereon in the same manner as though such witness had voluntarily made such complaint before him.

Civil actions

§ 73. Such police justice shall have no jurisdiction to try civil actions, except such as are brought to recover a fine, penalty or forfeiture, for the violation of this act, or of some by-law, ordinance, rule or regulation of said village. Every such action brought in the police justice court, shall be in the name of the corporation, and may be commenced

in such manner as provided by law. If judgment be given against the defendant in such action, execution may be issued thereon immediately, and shall require, if the officer to whom it is issued can not find goods or chattels of the defendant, whereof the judgment can be collected, that the defendant be imprisoned in close custody in the county jail, or village lock-up, for a term therein to be mentioned, not exceeding thirty days. Or such execution may, in the discretion of the police justice, require that the defendant be subjected, for a term not exceeding thirty days, to work upon the streets or public works of said village, or otherwise for the corporation, under such superintendence and restraints as said justice may deem advisable.

§ 74. No justice of the peace in the town of Oswegatchie except the one selected as police justice shall have jurisdiction of any civil action enumerated in the last preceding section, unless by this act specially given.

§ 75. The police justice shall not be entitled to receive Fees of. for his own use any fees for services performed by him as such.

§ 76. He shall keep a docket, in which he shall enter all Docket to be kept. business done by him in regular form, and also a book in which he shall enter a charge of all fees which may be a town or county charge, with all the details, and name of defendant and date of warrant and of arrest and of trial; and also of all suits for infringement or violation of excise law, and fines imposed, and whether paid or otherwise, and each book shall at all times be open to the inspection of any trustee or elector of the village.

§ 77. In all cases when the complainant or the defendant Costs to be paid. in any civil action shall be adjudged to pay the costs, the said police justice shall tax for his services such fees as are allowed by law to justices of the peace for like services, which costs shall be collected according to law, and all fines imposed by said police justice for criminal offences, shall be received by him from the person who shall collect or pay the same, and with his fees, paid over to the treasurer, as herein provided.

§ 78. Such police justice shall, at the end of each month Report of Justice. render an account on oath, to the board of trustees of the village, in writing, in which shall be specifically stated the name of each person arrested, the fine imposed if any, the amount received from each person if any, the legal fees for a justice and constable in each case, the amount paid to the treasurer during the month, and since last

report. The salary of said justice shall be paid quarterly, by order drawn in usual form on treasurer.

Police constable.

§ 79. The police constable shall, within the bounds of the village, have the same power, and be subject to similar duties in criminal cases, and in civil cases cognizable by the police justice, as constables in the town of Oswegatchie; and shall give security in the same manner, but to be approved by the president, and filed with the clerk, and shall be entitled to the same fees as town constables, and none other.

Duty.

§ 80. It shall be their especial duty to arrest any and all persons in the village, guilty of any crime, misdemeanor, or offence against the peace and good order of society, and if any arrest be made after the adjournment of the police court for the day, to guard such offenders safely until morning, and then take them before the police justice, to be dealt with according to law. The police constable shall also be bound to take strict notice of any unnecessary noise or disturbance in the streets or other places in the village, particularly in the night time; to admonish offenders, and if the offence be of sufficient magnitude, to arrest them, and take them before the police justice to answer for the offence. They shall also act as watchmen in the night, whenever the trustees require it, and be entitled to receive pay for such extra service.

Lock-up.

§ 81. Whenever a lock-up room shall be provided by said corporation, it shall be used for the confinement of persons under arrest, until they can be otherwise disposed of according to law; and persons convicted before the police justice of petty offences and misdemeanors, punishable by imprisonment in the county jail, may in his discretion be sentenced to confinement in the lock-up, and may be compelled to work on the highways, under the direction of the street commissioners. The trustees shall appoint a keeper of the lock-up, and provide for his compensation by fees or otherwise.

TITLE TWELVE.

MISCELLANEOUS PROVISIONS.

No person an incompetent juror, &c.

§ 82. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of the village of Ogdensburgh, or liable to taxation therein, in any action or proceeding in which the said village is interested.

§ 83. No person entitled to vote at any election held ^{Election day} under this act, shall be arrested on civil process within said village, on the day on which such election is held.

§ 84. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done, in virtue of his office, and who shall have final judgment rendered in his favor, whereby he shall be entitled to costs, shall recover double costs, as defined in the Revised Statutes.

§ 85. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment, duly assessed against ^{Corporation or person neglect to pay tax.} any such person or corporation, the trustees may collect the same by action in the corporate name against such person or corporation; but such action shall not operate to release any lien upon property or such tax, until the judgment rendered in such suit shall have been fully satisfied.

§ 86. Whenever any real estate in said village shall be ^{Real estate owned jointly.} owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be sufficient notice to all, for any purposes requiring a notice under this act.

§ 87. The trustees may take precautionary measures to ^{Pestilence.} guard the public health in times of pestilence, and to provide against infectious and pestilential diseases, when they appear in the village, by providing suitable places for the temporary removal of persons having such diseases from the populous parts of the village, and defray the expenses incident to such removal.

§ 88. Whenever water works shall be constructed, ^{Water works.} supplying said village with water for public purposes, the board of trustees shall lay out and establish a water district, and from time to time, as may be necessary, extend the same, so that the boundaries thereof shall at all times be outside of and not more than fifteen hundred feet beyond the line of the outermost hydrants. In each year thereafter, the said board shall certify to the assessors, during the time in which they are by law required to make their roll, the amount of the expense of furnishing water for one year in said district for public purposes which amount shall be assessed upon the taxable property in the district, and be collected and paid over to the treasurer, with other taxes, if any.

§ 89. All the former acts or part or parts of acts, relative ^{Former acts repealed.} to the incorporation of the village of Ogdensburgh, are hereby respectively repealed; but such repeal shall not affect

any act done, privileged, granted, right vested or established, institution located, or any proceeding, suit or prosecution had or commenced previous to the time when such repeal shall take effect; and all officers elected or appointed under or by virtue of the acts hereby repealed, shall continue in office until the first board of trustees elected under this act shall become organized.

Resigna-
tions.

§ 90. All officers elected or appointed under this act, must be residents of the village of Ogdensburgh, and the removal of any officer therefrom shall vacate his office. All resignations of any officers under this act, shall be made to the trustees, subject to their acceptance.

Fines, &c.

§ 91. No officer of the corporation other than the treasurer, police justice and constable, collector and street commissioner, shall be entitled to receive from any person whatever, any money, for fines, licenses, taxes, assessments or forfeitures or otherwise; and a violation of this section shall be deemed a forfeiture of the office held by him; and any officer of the village who shall receive money as such officer, and shall embezzle or fail to pay over the same, on demand, shall be held guilty of a misdemeanor, and on conviction, shall be punished by fine or imprisonment, or both, in the discretion of the court.

§ 92. This act is hereby declared a public act, and shall be construed favorably and benignly for every beneficial purpose therein contained.

§ 93. The legislature may at any time repeal or modify this act.

§ 94. This act shall take effect immediately.

Chap. 61.

AN ACT to authorize a tax to be levied upon the town of Potsdam, to build a town house.

Passed March 30th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of St. Lawrence, are hereby authorized and required, at their annual meeting in each of the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, eighteen hundred and sixty and eighteen hundred and sixty-one, to cause to be assessed, levied and collected, by tax, upon all the taxable property of the town of Potsdam, in said county, over and above the expenses of collecting the same, the sum of one thousand dollars, with interest on the last three assessments from and after the first day of December next, which shall be in addition to, and assessed, levied and collected in the same manner as ordinary town charges and expenses. Board of supervisors to levy tax.

§ 2. Such moneys, when collected, together with the moneys mentioned in the next section of this act, shall be paid to Aaron T. Hopkins, William A. Dart, Hiram H. Peck, Noble S. Elderkin and Joseph T. Blood, for the purpose of erecting a town house in the village of Potsdam, for the use of said town. To whom money to be paid.

§ 3. The persons named in the second section of this act, are appointed commissioners with full power and authority, and whose duty it shall be to procure a convenient site, erect such town house, and apply said moneys, together with the moneys now held by said town, and realized from insurance upon their former town house, and which moneys they are hereby authorized to receive and expend towards the costs and expenses of erecting and furnishing said town house, and, if necessary, towards purchasing and improving a site therefor. Commissioners.

§ 4. Said commissioners are hereby authorized to anticipate the receipt of the aforesaid moneys, so to be raised by Commissioners to make loans.

tax as aforesaid, by such loan or loans for the purpose aforesaid, as they shall think proper, upon interest upon the credit of the said town, to be repaid out of said moneys so to be raised as tax as aforesaid.

To report
proceedings
to the town
board.

Compensa-
tion of com-
missioners.

Bond of
Commis-
sioners.

§ 5. Said commissioners shall report an account of their proceedings in the premises, and their expenditure of said moneys, to the board of town audit of said town, at their meeting for auditing town accounts, next after the completion of said house, and which said board are hereby authorized and required to audit and settle such accounts, and in so doing, to allow said commissioners such sum as shall be just for their services, not exceeding one dollar and fifty cents per day to each of them, for the time he shall have been actually employed in the said business; and said commissioners and each of them, shall pay over to the town clerk of said town, any balance of said moneys remaining in their hands after the completion of said house; and said board of town audit shall have power, upon such settlement and payment of any balances, to cancel and discharge the bond of said commissioners required by the succeeding section of this act.

§ 6. Said commissioners, before entering upon the duties of their office, shall execute a bond to the town clerk of said town, and file the same in his office, who, as well as his successor or successors in office, shall be authorized to enforce the same, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of their duties, and for the accounting for and paying over of the said moneys as aforesaid.

§ 7. Section six of chapter seventy-nine of the laws of eighteen hundred and forty-five, is hereby so enacted as forming a part of this act, except that the words "twelve hundred dollars," therein contained, are hereby altered so as to read "four thousand dollars and interest."

§ 8. This act shall take effect immediately.

Chap. 62.

AN ACT to incorporate the New York Law College.

Passed March 30th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Charles King, Isaac Ferris, Horace Webster, Thomas D. Andrews, George Wood, Charles O'Conner, Amasa J. Parker, Valentine Mott, William C. Noyes, Daniel F. Tieman, are hereby constituted a body corporate by the name of the "New York Law College," to be located in the city of New York, for the purpose of promoting legal science and instruction in the departments of learning connected therewith.

§ 2. The said corporation may hold and possess real and personal estate to the amount of one hundred thousand dollars, To hold real and personal estate. and the funds or property thereof shall not be used for any other purposes than those declared in the first section of this act.

§ 3. Charles King, Isaac Ferris, Myron H. Clark, Horace Webster, Thomas D. Andrews, George Wood, Lewis H. Sandford, Amasa J. Parker, are hereby appointed trustees Trustees. of said corporation, with power to fill vacancies in the board; and the mayor and recorder of the city of New York for the time being, shall be members of the board of trustees. Not less than five of said trustees shall constitute a quorum for the transaction of business.

§ 4. It shall be lawful for the board of trustees to appoint the professors and such other instructors as they may deem necessary.

§ 5. The trustees for the time being, shall have power to grant and confer the degree of bachelor of laws, upon the recommendation of at least three curators of the legal profession appointed by said trustees; but no person shall receive a diploma conferring such degree, unless he be twenty-one years of age, and shall have a good English education, and shall have pursued the study of legal science for three years after the age of sixteen with some attorney and counsellor Power of trustees to confer degree of bachelor of laws.

at law duly licensed by law to practice his profession, and shall also after that age have attended two full courses of lectures delivered in some incorporated law college, the last of which shall have been delivered by the professors of said college. In testimony of conferring the above honor, a diploma shall be provided and signed by the president and secretary and by the professors of said college, in which shall be affixed the corporate seal of said institution, but no fee for graduation shall be exacted from the candidates.

Regents of
University.

§ 6. The college may be visited by the regents of the university, and shall annually report to them.

§ 7. The faculty of the college hereby incorporated are authorized to appoint a delegate to represent them in the state law society, with all the powers and privileges which delegates from the respective law colleges of this state possess.

Who to be
admitted.

§ 8. The trustees of this institution shall gratuitously admit to its course of instruction any number of young men of good moral character not exceeding five in any one year, who have distinguished themselves for good scholarship in the free academy of New York city, and are in necessitous circumstances, upon written evidence of such qualifications being furnished to said trustees by the faculty of said free academy.

§ 9. The corporation hereby created shall possess the powers and be subject to the provisions of title three of the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable.

§ 10. This act shall take effect immediately.

Chap. 63.

AN ACT to incorporate the Fire Department of the village of Rondout.

Passed March 30th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All such persons as now are, or hereafter shall be legally appointed firemen belonging to any of the fire engines in the village of Rondout, in the county of Ulster, shall be, and hereby are constituted and declared to be, and continue a body corporate, to be known and designated by the name of "The Fire Department of the village of Rondout;" that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the said name of "The Fire Department of the village of Rondout," are authorized to purchase, hold and convey any estate, real or personal, for the use of the said corporation, provided that the amount of such real estate shall not at any time exceed five thousand dollars.

What constitutes the "Fire Department of Rondout."

§ 2. On or before the second Wednesday of January, in every year, each company of firemen in said village of Rondout, composed of eighteen men or over, shall choose three trustees, who shall have and exercise the powers hereinafter committed to them.

Trustees when chosen

§ 3. The said trustees shall, out of their own body, on the second Monday of January, in each year, which day is designated for their annual meeting, choose, by ballot, a president, vice-president, a secretary and a treasurer. The first trustees shall be Donald McMillan, James G. Tubby, Palmer A. Canfield, Jacob Derrenbucker, Charles S. Everson, Joseph Tubby, George B. Hibbard, John Philips, Anthony Benson and Jacob H. Gildersleeve. James G. Tubby shall be the first president, Charles S. Everson shall be the first vice-president, Anthony Benson shall be the first secretary, and Joseph Tubby shall be the first treasurer, to hold their respective offices and places until others shall be ap-

Trustees to choose president, &c.

pointed in their stead, agreeably to the provisions of this act.

Duties of trustees.

§ 4. The said trustees shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of the said corporation, which may from time to time be made and established by the said trustees, and may be convened by the president, or as may be provided by said by-laws, rules and regulations, at least once a year. The treasurer shall give satisfactory security to the said trustees for the faithful performance of his duties, and at every annual meeting, and oftener if required by the trustees, render to them a true account of the state of the funds. The said trustees shall have power to remove any of the officers of the board of trustees, after three days' previous notice in writing, if guilty of mal-conduct, and elect others in their stead. A majority of the trustees elected shall constitute a quorum for the transaction of business. In case of a vacancy in the office of trustee, such vacancy shall be filled by the company for which he is deputed for the remainder of the term, by a special election, to be held by such company for that purpose. And in case of a vacancy in the office of president, vice-president, secretary or treasurer, such vacancy shall be filled by the trustees for the remainder of the term.

Election.

§ 5. In case any election shall not be held on the day, when, pursuant to this act it is required to be held, the said corporation shall not on that account be dissolved, but it shall be lawful to hold such election on any other day after ten days' notice in writing, in such manner as may be prescribed by the by-laws, rules and regulations of said corporation.

Funds.

§ 6. The funds of said corporation which shall arise from chimney fines, certificates, money paid by insurance companies in pursuance of law, donations, or other sources, or such objects as may be agreed on by the respective fire companies, or such parts of said funds, or of the income thereof, as may be directed by said trustees, shall be appropriated to the relief of indigent and disabled firemen, or their families; and if said funds shall amount to a greater sum than the trustees may think necessary to appropriate to the said purpose, then the same, or the income thereof, may be applied to the purpose of extinguishing fires, under such limitations and restrictions as they may, with the sanction of the trustees of the village of Rondout deem proper.

§ 7. This act shall take effect immediately.

Chap. 64.

AN ACT to amend the Revised Statutes concerning the powers and duties of the Governor, and to fix the compensation of officers in the executive department.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Title one, chapter eight, part first of the Revised Statutes, is hereby amended by adding at the end thereof the following sections:

§ 20. The governor shall cause to be kept in proper ^{Books to be kept.} books to be provided for that purpose, a full and complete register of all applications or petitions made to him for the discharge of any duty imposed on him by the constitution or laws of the state, or for the exercise of any power in him vested, which register so made shall be and remain in the executive chamber, and the original papers on which each application or petition is founded, shall remain on file in the executive chamber, and with the register so made, shall be delivered to his successor when he shall have been duly qualified. But whenever an application for appointment to office in his gift, or nomination, shall be refused by the governor, he may, in his discretion, deliver to the unsuccessful applicant, his letters, recommendations and petitions in relation thereto.

§ 21. The governor shall cause to be provided in his ^{Pardons, &c.} office, proper books, in which shall be entered all applications made to him for the pardon of any prisoner or the commutation of any sentence, with a record of the same, and a list of the official signatures and recommendations in favor of such application, and all the original papers on which such application is founded, shall remain on file in the executive chamber.

§ 22. The governor shall cause to be preserved and filed ^{Judges' reports, &c.} in his office the judges' reports made to him pursuant to the

provisions of the statute, of the testimony on which capital convictions had taken place. He shall also keep a register of the same, in which shall be recorded any action which he may have taken in relation to such convictions, and the same shall remain in the executive chamber.

Expenses of
books to
show.

§ 23. The governor shall also cause to be kept a book containing a statement of his disbursements for the incidental expenses of his department; of rewards offered by him for the apprehension of criminals, and expenses incurred in sending the reports of courts and copies of the laws of this state to other states, and of all other official expenses and disbursements.

Salary of
private se-
cretary.

§ 24. The salary of the private secretary is hereby fixed at two thousand dollars per annum, and a further sum of twenty-six hundred dollars per annum, or so much thereof as may be required, shall be allowed to the governor for the payment of clerks and messengers for the executive department, to be paid by the treasurer to the governor, on the warrant of the comptroller.

§ 2. This act shall take effect immediately.

Chap. 65.

AN ACT to amend chapter three hundred and forty-three of the Laws of eighteen hundred and fifty-seven, relative to the claim of Lewis Beebe, James L. Beebe, and John W. Beebe.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of chapter three hundred and forty-three of the laws of eighteen hundred and fifty-seven, passed April thirteenth, eighteen hundred and fifty-seven is hereby amended so as to read as follows :

§ 2. The treasurer shall pay on the warrant of the auditor

of the canal department, five thousand dollars, or so much thereof as may be awarded to said claimants in pursuance of this act, out of any moneys appropriated or to be appropriated for the enlargement of the Erie canal.

§ 2. This act shall take effect immediately.

Chap. 66.

AN ACT authorizing the assessors of the town of Southport, Chemung county, to correct their assessment roll.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessors of the town of Southport, Chemung county, are hereby authorized and directed immediately upon the passage of this act, to correct the assessment roll of said town for the year one thousand eight hundred and fifty-seven, by making a supplementary roll containing the names of all persons and corporations in said town liable to pay taxes therein, with the amount upon which each is liable to pay taxes, whose names are omitted on the original assessment roll of eighteen hundred and fifty-seven, and when completed they shall deliver the same to the supervisor of the town, verified in the same manner as other assessment rolls are required by law to be. Assessors to correct roll.

§ 2. It shall be the duty of the assessors to notify each person or corporation on the supplementary roll at the time of making the assessment, of the amount for which he is assessed; and any one feeling himself aggrieved may have his assessment corrected in the same manner as is now provided by law for such cases, at any time before the tax is levied.

§ 3. Immediately upon the receipt by the supervisor of the supplementary roll, he shall associate with him the town clerk, and they together shall levy the tax upon the Supervisor and town clerk to levy and assess in town, &c.

property assessed in said supplementary roll upon the same basis or rate per cent as that upon which the original tax was levied by the board of supervisors of Chemung county in November, eighteen hundred and fifty-seven, and attach the same to the warrant now in the hands of the collector of taxes for said town, who shall have power under his warrant to collect the same in the same manner as is now provided by law for the collection of taxes, and the time for collecting this tax under his warrant is hereby extended to the fifteenth day of June next.

Collector to
pay over
moneys.

§ 4. The collector shall pay over the moneys collected on this tax roll to the supervisor, and the sureties of the collector shall be held responsible for the faithful performance of this duty equally with that of the original tax. The supervisor, after paying all just claims upon this fund, shall safely keep the surplus for the benefit of the town, and pay over the same to the treasurer of the county on or before the tenth day of November next, and take his receipt therefor. Upon apportioning the tax by the board of supervisors to be raised by said town in eighteen hundred and fifty-eight, the amount of said receipt shall be deducted from the amount thus apportioned and a warrant issued for collecting only the balance.

Persons
assessed
twice.

§ 5. Whenever any person shall present to the supervisor the certificate of the assessors, or any two of them stating that he has been assessed twice for the same property on the assessment roll of eighteen hundred and fifty-seven, or that by the misplacing of figures an erroneous assessment has been made, stating the amount of the error, also a certificate from the collector stating that he has paid the full amount of the tax levied upon such erroneous assessment, the supervisor shall refund the excess to the person holding such certificate.

§ 6. This act shall take effect immediately.

Chap. 67.

AN ACT to provide for repairing and reconstructing in part the bridge across Canandaigua outlet, at the village of Alloway, in the town of Lyons, Wayne county, and for raising money for that purpose by tax upon said town.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The board of supervisors of the county of Wayne are authorized and directed at their next annual meeting to cause to be levied and collected on the town of Lyons, in said county, in like manner as other town charges are by law directed to be levied and collected, the sum of seven hundred and fifty dollars, to be expended in repairing and reconstructing in part the bridge across the Canandaigua outlet at the village of Alloway, in the said town of Lyons. The collector of the said town of Lyons shall pay over the said money, when collected, to the commissioners of highways of said town, which shall be by them applied for the purpose of repairing and reconstructing in part said bridge, and the balance, if any, shall be applied by them to repair the roads and bridges in said town. The said commissioners are to account for the money raised, under and by virtue of this act to the town auditors of said town.

§ 2. The said commissioners of highways are hereby authorized to borrow the sum of seven hundred and fifty dollars for the purpose mentioned aforesaid, in anticipation of the levying and collecting of such tax, and to apply the money authorized by this act to be levied and collected, or sufficient amount therefor for that purpose, to the payment of the sum borrowed, with lawful interest.

§ 3. This act shall take effect immediately.

Chap. 68.

AN ACT to legalize certain deeds and mortgages therein named, in Monroe county.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The deed made by George Ochs and wife to John Schupp, and recorded in the Monroe county clerk's office, in liber one hundred and four of deeds, at page twenty-one ; the mortgage made by the said John Schupp, to Anthony Prongua, and recorded in the Monroe county clerk's office, in liber fifty-nine of mortgages, at page six hundred and twenty-six ; the deed made by the said John Schupp and wife, to George Ehard, and recorded in the said clerk's office, in liber one hundred and twenty of deeds, at page one hundred and forty ; the deed made by the said George Ehard and his wife, to Theresa Sours, and recorded in the said clerk's office, in liber one hundred and twenty-eight of deeds, at page one hundred and eighty-seven ; the deed made by the said Theresa Sours, to George Dearberges, and recorded in the said clerk's office, in liber one hundred and thirty of deeds, at page two hundred and fifty-two ; the mortgage made by the said George Dearberges and his wife, to Mungus Sours, and recorded in said clerk's office, in liber seventy-eight, of mortgages, at page seventy-four ; the deed made by the said Theresa Sours, to Albert C. Hobbie, bearing date on the thirteenth day of April, eighteen hundred and fifty-seven (which said several deeds and mortgages, describe one certain parcel of six acres of land in the town of Irondequoit, in the county of Monroe, or parts and portions thereof), shall each and severally have and be of the same force and effect, in the law, from the date and delivery of each of the said deeds and mortgages, to convey and give title to the lands therein described, as said deeds and mortgages would have had had the said grantors and grantees, mortgagors and mortgagees, each

and severally been citizens of the United States at the time of the making and delivery of the said several deeds and mortgages.

§ 2. This act shall take effect immediately.

Chap. 69.

AN ACT to authorize the commissioners of highways of the town of Triangle to borrow money for the purpose of building a free bridge across the Tioughnioga branch of the Chenango river at Whitney's Point in said town, and to repeal an act authorizing a toll bridge, passed May fourteenth, eighteen hundred and forty.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of highways of the town of Triangle, in the county of Broome, are hereby authorized, empowered and directed to borrow, upon the credit of said town, a sum of money not to exceed three thousand dollars, to be expended by them in building a free bridge across the Tioughnioga branch of the Chenango river at Whitney's Point, in said town, below its junction with the Otselic river. Commissioners to borrow money.

§ 2. The money borrowed by said commissioners, under the first section of this act, shall be upon a credit of not more than five years, and may be paid, together with the interest thereon, in annual instalments or otherwise, as the commissioners may determine. Five years.

§ 3. The money so borrowed shall be a charge against the town of Triangle, and shall be levied and collected from the taxable property of said town as other town taxes are levied and collected; and the money thus collected shall Money so borrowed to be charge against town

be paid over to the said commissioners of highways, to be applied by them in payment of the loan made by them by virtue of this act.

§ 4. The act authorizing Thomas Whitney, his heirs or assigns, to erect and continue a toll bridge across the Tioughnioga branch of the Chenango river, below its junction with the Otselic river, in the town of Triangle, and county of Broome, passed May fourteenth, eighteen hundred and forty, is hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 70.

AN ACT to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE ONE.

BOUNDARIES AND CIVIL DIVISION OF THE VILLAGE OF OLEAN.

§ 1. The territory within the following limits in the town of Olean, Cattaraugus county, New York, shall constitute the village of Olean, "to wit:"

Boundaries. Beginning at the north bank of the Allegany river, at the south end of Fifteenth street, as described on a map of the village of Olean, made by T. J. Gosseline; running thence north on the east line of said street seventy-five chains and eleven links to the north line of township number one, in the fourth range of the "Holland Land Company's purchase;" thence east on the said north line ninety-two chains and one hundred and twenty-eight links to the west bank of the Olean creek; thence southerly, following the west bank of said creek to the north bank of the Allegany river; thence westerly along said river to the place of beginning.

§ 2. The said village shall be divided into four wards, ^{Wards.} each ward to comprise the territory and be numbered as follows, "to wit :—" All that part of said village lying ^{Boundaries} west of the centre of Union street and south of the centre of State street shall be the first ward. All that part lying east of the centre of Union street and south of the centre of State street shall be the second ward. All that part lying east of the centre of Union street and north of the centre of State street shall be the third ward, and all that part lying west of the centre of Union street and north of the centre of State street shall be the fourth ward.

TITLE TWO.

OF THE OFFICERS.

§ 1. The officers of the said village shall be one presi- ^{Officers.} dent of the board of trustees to be elected by the legal voters of said village; one trustee and one assessor from each ward, to be elected by the qualified voters of the ward for which they may be chosen; one treasurer; one police constable, who shall also be the collector of taxes and assessments; and one corporation attorney, who shall also act as clerk of the board of trustees; and one street commissioner; the four last mentioned officers to be appointed by the board of trustees of said village.

BOARD OF TRUSTEES.

§ 2. The president and trustees mentioned in the last ^{Board of} section shall constitute the board of trustees of said village. ^{Trustees.}

OF ELIGIBILITY TO OFFICE.

§ 3. No person shall be eligible or appointed to any office in said village unless he shall be, at the time of his election or appointment, a resident and elector of said village; nor shall any person be elected or appointed to the office of trustee unless he be a resident of the ward for which he is so elected or appointed; and in case any person holding office in said village shall cease to be a resident of the village or ward for which he was elected or appointed, the office shall thereby become vacant. ^{Trustees to be residents.}

TERM OF OFFICE.

Term of office. § 4. The officers of said village shall hold their offices for one year from the time of their election or appointment, and until their successors are chosen and qualified. Except that in case of a vacancy, the person appointed or elected to fill said vacancy, shall hold the office to which they may be so elected or appointed for the unexpired portion of the time the person causing such vacancy would have been entitled to hold said office.

Vacancies.

QUALIFICATION OF VOTERS.

Qualification of voters. § 5. Every male inhabitant residing in said village, who shall at the time of offering his vote, be entitled to vote for member of assembly in the assembly district in which said village is situated, shall be entitled to vote at all elections held for the purpose of electing officers for said village.

ELECTIONS WHEN HELD, AND NOTICE OF.

Annual election. § 6. The first election for village officers under this act shall be held on the first Tuesday in May, eighteen hundred and fifty-eight, and annually on the same day in each year, at such place in each ward as the trustees shall designate.

Notice to be given. Ten days notice of any election held in said village shall be given by the board of trustees by printing the same in a public newspaper printed in said village at least ten days previous to the time appointed to hold such election, and in case there be no public newspaper printed in said village, said notice shall be given by posting the same in five public places in said village ten days before the time appointed for holding such election.

POLLS, TRUSTEES TO PRESIDE OVER ELECTIONS, CLERK, BALLOT BOXES, BALLOTS.

Ballot boxes, &c. § 7. There shall be kept open from one o'clock p. m., until 4 o'clock p. m., in each ward at all general elections for village officers, polls for the reception of votes. Said polls to be presided over by the trustee of the ward in which said polls may be respectively situated, assisted by one clerk to be appointed by said trustee. Said clerk to take the oath required by law to be taken by the clerk of the polls at a general state election before entering upon the discharge of his duties, which oath may be administered by the trustee or any other officer authorized to administer

oaths. The trustees are hereby required to furnish each ^{Ballots.} ward at the expense of the village two ballot boxes, one to be labeled "President," the other "Trustee," at all general elections held by virtue of this act there shall be two forms of ballots used. One for president of the village and the other for trustee and assessor. Said ballots shall be folded up and shall be labeled respectively, "For President" and "For Trustee."

INSPECTORS OF ELECTION.

§ 8. The trustees shall be ex-officio inspectors of election, ^{Inspectors,} and for the purpose of preserving order and judging of the ^{&c.} qualifications of voters at all village elections, are hereby invested with all the powers possessed by inspectors of election at the general state elections. Immediately upon the close of the polls the presiding officer shall canvass the votes publically, and declare the number of votes given for each person voted for, and declare the person elected trustee who shall receive the greatest number of votes; and the board of trustees shall immediately thereafter meet together in the room or place where they usually hold their meetings, and canvass the votes given for president, and declare the person receiving the greatest number of votes elected to the office of president.

VACANCIES.

§ 9. If any vacancy shall happen in any elective office, it shall be the duty of the board of trustees to direct a special election to supply the same. Such election to be held and conducted in the same manner and upon the same notice as the annual election of the village.

OFFICIAL OATH.

§ 10. Every person appointed or elected to office in said village shall before entering upon the discharge of his duties take and subscribe an oath or affirmation before some public officer authorized to administer oaths, in writing to support the constitution of the United States, and of the state of New York, and to faithfully discharge the duties of the office to which he may be so elected or appointed which said oath shall be filed with the clerk of the village, and any person elected to any office in said village, who shall for five days after being notified of his election by the clerk of the village refuse or neglect to take the above mentioned

oath and to enter upon the discharge of the duties of the office to which he may be so elected, shall forfeit to the use of said village the sum of twenty-five dollars, with costs of suit to be sued for and recovered by and in the corporate name of said village.

PRESIDENT, HIS POWERS AND DUTIES.

§ 11. It shall be the duty of the president of said village to preside at the meetings of the board of trustees to call special meetings of said board whenever he shall think proper, to receive complaints of any breach of the by-laws, ordinances, rules and regulations, and to see that the by-laws, rules, regulations and ordinances and the provisions of this act are faithfully executed and preserved and to prosecute in the name of the village of Olean for all offences against such by-laws and ordinances, and the provisions of this act, and shall perform such other duties as shall be imposed upon him by the by-laws of said village.

CLERK, HIS DUTIES.

§ 12. It shall be the duty of the clerk of said village to keep the books and papers belonging to said corporation, to record in a book to be provided for that purpose the rules, votes, orders, regulations and proceedings of the voters of said village at their annual and special meetings. And also all the by-laws, votes, ordinances and proceedings of the board of trustees; to notify officers of their election as soon as may be after their election; and to perform such other duties as the trustees shall from time to time direct and require of him; and the said trustees may allow to him such sums for his services as they may deem proper.

ASSESSORS.

§ 13. Whenever the electors of said village, or the board of trustees shall, pursuant to the provisions of this act, direct any sum of money to be raised by tax, it shall be the duty of the assessors of said village to assess the same and make out and complete an assessment of such tax in the manner as near as practicable prescribed by law for making assessments by town assessors, and they shall deliver the same to the trustees of said village within thirty days after the meeting at which such tax was directed to be raised. Each assessor shall receive for his compensation one dollar

and twenty-five cents per day for the time actually spent by him in the performance of his duties.

TITLE THREE.

TRUSTEES, PLACE OF MEETING.

§ 1. The board of trustees shall meet at such times and places as they shall by resolution direct.

PRESIDING OFFICER, QUORUM.

§ 2. The president when present shall preside at the meetings of the board of trustees, and shall have on all questions a casting vote or ballot only. In his absence any one of the trustees may be appointed chairman for the time, a majority of the board shall constitute a quorum for the transaction of business.

GENERAL POWERS AND DUTIES OF THE BOARD OF TRUSTEES.

§ 3. The trustees shall have the management and control of the finances and all the property real and personal belonging to said corporation, and shall have power within said village to make, establish, publish and modify, amend and repeal rules, regulations and by-laws for the following purposes:

1st. To prohibit, restrain and regulate all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical and other shows and exhibitions, circuses or other performances for money, and to authorize the same on such terms as the trustees shall deem expedient.

2d. To compel the owner of any building used for any nauseous or unwholesome business to cleanse, remove or abate the same from time to time as often as in the opinion of the trustees the same may be necessary for the health, comfort and convenience of the inhabitants of said village.

3d. To direct the location of all slaughter houses, markets and houses for storing gunpowder or any combustible substance, and to regulate the keeping of the same, and the use of candles or other light fires, forges and furnaces in houses, shops, stables and other buildings, and to prohibit and prevent the same whenever in their judgment they deem the same necessary to prevent the destruction of property by fire.

4th. To prevent and regulate the running at large of dogs within the limits of said village.

5th. To require the removal from said village of all persons having infectious or pestilential diseases, and to authorize any officer of said village, or other person, to remove the person or persons having such disease.

6th. To establish, regulate, make and guard public reservoirs, pumps and wells, and to prevent the use for private purposes of the water thereof.

7th. To appoint, for the time being, whenever in their opinion the public peace demands it, especial policemen, and to fix their compensation.

8th. Concerning the abatement of nuisances.

9th. Concerning the duties of all officers appointed by the trustees, and their compensation.

10th. To appoint one or more persons to enter at reasonable times, and examine all houses, stores, yards and other buildings, to ascertain if they are in a dangerous state, and direct and compel the owner or occupant to put the same in a safe condition, and in default to cause the same to be done.

NUISANCES.

§ 4. The said trustees shall have power to determine (upon view or upon the testimony of witnesses), whether any building, slaughter house, pig sty, stable, privy, sewer, pool, meat market, or any other structure, substance or thing whatever, within said village, is a nuisance, upon two days' notice to the owner or occupant of the same; and to abate the same by causing the same to be removed; and shall have full power to enter upon the premises upon which the same is situated, and cause the same to be removed; and may also enforce the penalty imposed by the ordinances of said village; but all such determinations shall require a concurring vote of three of the trustees of said village.

DISORDERLY PERSONS.

§ 5. The trustees of said village, and each of them, and the president and police constable thereof, shall have power at any and all times, to arrest and cause to be arrested, by any person, with or without process, any and all disorderly persons, drunken persons and common prostitutes found in the streets of said village; and shall have power to enter, or cause to be entered, by any person, without process, any building or any place within said village, and arrest all disorderly persons, drunkards, rioters and common prostitutes,

and cause them to be taken before any justice of the peace residing in said village, to be by him required to enter into sureties for their future good behavior; and shall have power to detain or cause to be detained, such person until a justice of the peace can be found to attend to the hearing thereof; and shall provide a place for the safe keeping of any such person for such reasonable time as may be necessary to procure the attendance of witnesses, or prepare for said examination, and shall possess all the powers of police officers for such purpose; and a refusal by any person or persons to comply with any reasonable direction of the said president, police constable, or of either of the said trustees, under any authority given to them under this section, shall, on conviction, subject said persons to a fine not exceeding twenty-five dollars, and imprisonment in the common jail of Cattaraugus county, until such fine is paid, not exceeding thirty days.

PENALTIES.

§ 6. Said trustees shall have power to enforce all provisions of this act by ordinary penalties to be incurred for each and every violation of the same not exceeding fifty dollars for any one offence to be recovered with costs in an action in the corporate name of said village, in any court having cognizance thereof. And no person shall be deemed incompetent either as a justice of the peace or juror to try said cause by reason of his being an inhabitant of said village. Every such ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall after the passage thereof take effect at such time as said trustees shall direct, and shall be published at least two weeks successively in a public newspaper printed and published in said village, and proof of such publication by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, shall be filed with the clerk of said village and such affidavit or a copy thereof certified by the clerk of said village, or any other competent proof of such publication, shall be conclusive evidence of a legal publication, and promulgation of such ordinance or by-law in all courts and places, and any action brought to recover any penalty or forfeiture incurred under this act or the ordinances, by-laws or public regulations made in pursuance of it, that shall be brought before any justice of the peace may be commenced by

warrant, all expenses incurred in prosecuting for any penalty or forfeiture shall be defrayed by the corporation, and all penalties and forfeitures when collected shall be paid to the treasurer for the use of the village.

SIDEWALKS.

§ 7. The trustees of said village shall have power to cause the sidewalks on the streets and highways in said village to be leveled and raised, graveled, planked or flagged, and repaired and ornamented with trees, and to compel the owners of any land or lots adjoining such sidewalks to make such improvements upon the sidewalks as aforesaid in front of said land or lots and to determine and prescribe the manner of doing the same, and the materials to be used thereon and the quality of such materials; and in case the owner of any such land or lots shall neglect or refuse to complete the said required improvements within such reasonable time as shall be required by said trustees, the said trustees may cause such improvements to be made and completed, and the expenses thereof may be then assessed to such owner, and be collected by warrant, in the same manner as other taxes are collected by virtue of this act. And in case such taxes or assessments shall not be paid, the same may be recovered by said village in their corporate name, against the owner of said land or lots, in an action in any court having cognizance thereof.

FIRE ENGINES.

§ 8. The board of Trustees may procure fire engines and other apparatus for the extinguishment of fires, and have the charge and control of the same, and provide suitable engine houses and other places for the keeping and preserving the same.

TITLE FOUR.

OF THE FIRE DEPARTMENT.

§ 1. The firemen shall be appointed to the different companies in the fire department by said companies in such manner as the trustees shall direct, but any such appointment shall be subject to the approval of the trustees and made with their consent.

FIREMEN.

§ 2. The members of the fire department of said village, shall during the term of their service as such, be exempt from

serving on juries in all courts and in the militia, except in case of war, invasion or insurrection, and shall also be exempt from one day's poll tax.

CHIEF ENGINEER, AND ASSISTANT ENGINEER.

§ 3. The members of the fire department shall have power to elect a chief engineer and assistant engineer, a clerk and treasurer of the fire department in such manner and time as the trustees shall direct, whose election shall be subject to the approval of the board of trustees, and who may be removed by said trustees for incapacity, neglect of duty or misconduct.

POWERS AND DUTIES OF CHIEF ENGINEER AND ASSISTANT.

§ 4. The chief engineer and assistant engineer shall have the direction and control of the fire department, subject to the by-laws and regulations of the board of trustees, and every member of the fire department or any other person who shall, during the time of any fire, neglect or refuse to obey the order of such engineer or assistant engineer, shall forfeit for each offence such penalty as shall be provided by the by-laws of the board of trustees, not exceeding five dollars. And the said engineer and assistant engineer shall perform such duties of the fire department as may be required by the by-laws of the board of trustees.

TITLE FIVE.

OF THE POWER TO LAY OUT ROADS, STREETS, ALLEYS AND IMPROVE THE SAME.

Road District.

§ 1. The said village shall constitute a separate road district in the town of Olean, and the territory comprised within the same, shall be exempt from the superintendence and jurisdiction of the commissioners of highways of the town of Olean and the trustees of said corporation shall have all the powers within said village and be subject to all the duties and liabilities of commissioners and overseers of highways of towns in like cases, and may in their discretion appoint one of their number or any other competent person, street commissioner, whose special duty it shall be to superintend, subject to the control of said trustees, the construction and repairs of the streets, roads, sidewalks, crosswalks and public squares and commons, and who shall

receive for his services such sum as a majority of the board of trustees may deem proper, to be paid out of the money arising out of highway taxes.

TITLE SIX.

OF TAXES AND ASSESSMENTS AND THEIR COLLECTION.

§ 1. The trustees of said village shall have power to raise, levy and collect from all persons owning property in said village a sum not exceeding five hundred dollars in any one year, as a contingent fund to defray ordinary expenses of said corporation and for such other purposes as they may deem proper, not inconsistent with the provisions of this act.

HIGHWAY TAXES.

§ 2. The said trustees shall have power to assess, upon all persons owning property in said village, annually such an amount denominated highway tax as they shall deem necessary to work and improve the roads, streets, lanes and alleys of said village. Each male inhabitant of the age of twenty-one years and upwards shall be assessed fifty cents each year, and the balance of the highway tax shall be assessed upon all persons owning property, and estate real and personal, incorporated companies, banks and banking associations according to the value of their real and personal estate in said village, and the tax so raised for highway purposes shall be appropriated under the direction of said trustees to the working and improving of the roads, streets, lanes and alleys of the respective wards in which said property may be situated.

TITLE SEVEN.

PROVISIONS OF REVISED STATUTES APPLICABLE.

§ 1. The provisions contained in title thirteen of chapters eighteen of the first part of the revised statutes relating to the incorporation of villages, shall be deemed and taken as part of this act so far as the same are applicable and not inconsistent with this act.

TITLE EIGHT.

§ 1. For the purpose of carrying this act into effect, Lambert Whitney, Claudius V. B. Barse, Charles H. Thing and Frederick Tallent, are hereby appointed commissioners to preside at and act as inspectors of election at the first

election for village officers, and are hereby declared for such purpose invested with all the powers given by this act to the trustees of said village so far as the same may be applicable, and be subject to all the powers and duties of trustees of said village in like cases, said commissioners before entering upon the discharge of their duties to take and subscribe an oath or affirmation in writing before some officer authorized to administer oaths to faithfully discharge the duties imposed upon them by this act, and in case either of said persons shall refuse or neglect to perform the duties imposed upon them by this act, it shall be lawful for the voters present to appoint some person to perform the duties of said commissioner, on the morning of said election. It shall be the duty of the said Lambert Whitney to preside at the polls in the first ward, the said Claudius V. B. Barse shall preside at the polls in the second ward. The said Charles H. Thing shall preside at the polls in the third ward, and the said Frederick Tallent to preside at the polls in the fourth ward.

§ 2. This act shall take effect immediately.

Chap. 71.

AN ACT to extend the time for the collection of taxes in the town of Ossining, in the county of Westchester.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If the collector of taxes in the town of Ossining, in the county of Westchester, shall, within the time now provided by law, pay over all moneys by him collected, and shall within five days thereafter, renew his bond to the satisfaction of the supervisor of said town, the time for collecting and making the final return of taxes in said town shall be extended to the fifteenth day of May next.

§ 2. If the present collector of the said town of Ossining, shall comply with the provisions of this act, he shall continue to act as collector of said town until the fifteenth day of May next, notwithstanding his successor shall have been duly elected.

§ 3. This act shall take effect immediately.

Chap. 72.

AN ACT authorizing the village of Elmira to borrow money for cemetery purposes.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Trustees to
borrow
money.

SECTION 1. The board of trustees of the village of Elmira, are hereby authorized, on the faith and credit of said village to borrow a sum not exceeding ten thousand dollars, and to execute bonds therefor under the corporate seal of said village and the signatures of the president and clerk thereof, the bonds to be in such form, and the principal and interest made payable at such times and places, as may be agreed upon with the lenders, such bonds to have not longer than ten years to run.

Application
of money.

§ 2. The said sum hereby authorized to be borrowed, shall be specifically and solely applied and appropriated to the purchase and preparation of about fifty acres of land within or near the corporate bounds of said village, for cemetery purposes and no other.

§ 3. The said sum, or any part thereof, may be borrowed by the board of trustees of said village, on the best terms that can be obtained, at an interest not exceeding seven per cent per annum.

Bonds.

§ 4. The board of trustees of said village shall have no power to execute bonds or create any liability under this act, until the proposition shall have been previously approved by a majority of the tax payers, at the annual

election for said village, or at a special election called for that purpose, as is prescribed in title five and section nine of the charter of said village, as passed April sixth, eighteen hundred and fifty, and the same provision shall apply to such election as are prescribed in such act, except as hereinbefore otherwise provided.

§ 5. This act shall take effect immediately.

Chap. 73.

AN ACT to amend chapter two hundred and thirty-three of the Laws of eighteen hundred and fifty-seven, relating to the distribution of Indian annuities.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of chapter two hundred and thirty-three of the laws of eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

The said agent for taking the census of the Onondaga Indians, on the Allegany, Cattaraugus, Tuscarora and Tonawanda reservations, and paying the annuities to them, as provided for in this act, annually, shall receive an annual salary, including all expenses, of one hundred and fifty dollars, from the date of his commission, to be paid by the treasurer on the warrant of the comptroller, whenever satisfactory and proper vouchers for the payment of said annuities shall be produced to the comptroller.

§ 2. This act shall take effect immediately.

Chap. 74.

AN ACT to amend an act entitled "An act to incorporate the village of Warsaw," passed April seventeenth, eighteen hundred and forty-three.

Passed April 1, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Village a
separate
road district.

SECTION 1. The village of Warsaw is hereby constituted a road district, and shall be exempt from the superintendence of the commissioners of highways of the town of Warsaw, except that all the bridges, and damages done by freshets in said village, shall be built, rebuilt and repaired by the town of Warsaw in the same manner as if this act had not been passed; and said town commissioners shall continue to assess all highway labor according to law, but shall not have any control of, or supervision over the expenditure of said labor, or the money paid as commutation therefor, but the same shall be controlled and expended as follows:

Superin-
tendent.

1. The trustees of said village shall have power to appoint a superintendent and allow him such compensation as they shall deem proper for the services hereinafter mentioned, and to remove him at pleasure; and to appoint another in the same manner in his or their stead, and remove the same as aforesaid; and to require a bond with one or more sureties, from such superintendent, to be approved by said trustees, for the due performance of his duties, and for the faithful expenditure of all moneys that shall come to his hands, and to cancel such bond; and to exercise the powers and duties of commissioners of highways of towns, and of the overseers of highways within the limits of said village; and to direct the application of the highway labor assessed by said town commissioners on persons and property in said village, or the commutation money paid therefor, to the improvement of the highways in such places within said village, or out of its boundaries, and leading to it, as they

Bond of
Superin-
tendent.

may deem best, and to direct and authorize said superintendent to do the same, who shall have the same powers therefor as said town commissioners and overseers of highways now have, and be subject to and perform the same duties as they are now required to do and perform by law.

2. Said superintendent is hereby authorized and required to notify all persons assessed or liable to perform highway labor, to perform the same, and to collect the money therefor, and for that purpose shall have all the powers provided by law for overseers of highways in said town.

3. Said superintendent shall report and give a statement in writing of all his acts, proceedings and services to said trustees whenever required by them.

§ 2. Every person liable to build or repair any sidewalk in said village, who shall for ten days neglect or refuse to build or repair the same, after being duly notified to build or repair the same, shall be liable to, and shall pay a fine of fifty cents per day, not exceeding twenty-five days, for every day's neglect or refusal to build or repair the same; and the same may be collected in one action in the same manner as other fines are now collected by law.

§ 3. This act shall take effect immediately.

Chap. 75.

AN ACT to change the mode of collecting highway assessments in the village of Canton, and to authorize moneys to be raised for street purposes, and to change the time of holding the annual elections of said village.

Passed April 1, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Canton, in St. Lawrence county, are authorized to levy and collect from the assessed property in said village, according to the vil-

lage assessment rolls of each year, the sum of not exceeding twenty cents on every one hundred dollars of the assessed value, in lieu of highway labor formerly charged on such property in the town of Canton, to be levied and collected in the ordinary manner by the collector of said village, upon the warrant of said trustees.

§ 2. At the annual election of said village, in the years one thousand eight hundred and fifty-eight, and one thousand eight hundred and fifty-nine, or at any special meeting of the inhabitants of said village, in said years, called by the said trustees for that purpose, by notices of such meeting posted in at least five public places ten days previous thereto, the taxable inhabitants of said village being legal voters at such election or meeting, may, by the votes of a majority of the legal voters present at such election or special meeting, authorize the said trustees to levy and collect from the taxable inhabitants and property in said village, money not exceeding five hundred dollars in each of said years, to be applied exclusively to the improvement of streets and sewers in said village; but no vote to authorize such taxes shall at any special meeting be valid, unless such previous notices shall have been given.

Assessors,
&c., to
qualify.

§ 3. The assessors of said village, before they enter upon the duties of their office, and within ten days after their election or appointment, shall qualify as town assessors are required by law to qualify by taking and subscribing the constitutional oath, and shall possess the like powers and be governed by the same laws in making the assessment of the taxable property of said corporation, as assessors of towns are required to observe in making the assessments in their respective towns.

§ 4. All acts or parts of acts inconsistent with the provisions of this act, are hereby modified or repealed.

§ 5. This act shall take effect immediately.

Chap. 76.

AN ACT to authorize the Clerk of Broome county to transcribe certain records from the County Clerk's office of Tioga county.

Passed April 1, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The clerk of Broome county is hereby authorized to copy from the records of Tioga county, into a book or books to be provided for that purpose, and transferred to the county of Broome, all deeds, mortgages, wills, powers of attorney, or other records or conveyances in any way affecting real estate now in Broome county, recorded in the county of Tioga prior to eighteen hundred and six; and when so copied and transferred, such records and certified or exemplified copies thereof, shall have the same force and effect in all respects as if such instruments had been originally recorded in the county of Broome, and may be read in evidence accordingly. Records to be copied.

§ 2. Such book or books shall be entitled "Records transferred from Tioga county," and shall be paid for by the county of Broome; and the clerk shall receive from the county of Broome the same pay for copying and transferring such records, as he is now allowed for recording deeds or other instruments by the folio.

§ 3. The county judge of Broome county is hereby authorized and directed to determine what records shall be thus copied and transferred in compliance with section first of this act, and the clerk of Broome county shall be governed by such determination.

§ 4. This act shall take effect immediately.

Chap. 77.

AN ACT releasing the interests of the state in certain lands of which Edward Downing died possessed, to Mary E. Downing, his widow.

Passed April 1st, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and estate of the people of this state, in and to any lands and real estate, situate, lying and being at Woodville, town of Jamaica, Queens county, in this state, conveyed by Philip Spencer to Edward Downing, deceased, on the thirtieth day of June, one thousand eight hundred and fifty-four, of which the said Edward Downing died seized or possessed, acquired by escheat thereof on the death of the said Edward Downing, by reason of his alienage, is hereby released to and vested in Mary E. Downing, the widow of the said Edward Downing, deceased, her heirs, and assigns, forever.

§ 2. Nothing in this act contained shall release, discharge or impair any right, claim or interest of any creditor of the said Edward Downing, by mortgage, judgment or otherwise.

§ 3. This act shall take effect immediately.

Chap. 78.

AN ACT for the relief of Margaret Mehaffey, widow of William Mehaffey, an alien, late of Meredith, in the county of Delaware.

Passed April 1st, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the estate and interest of the people of this state, in and to the lands and premises in the town of Meredith, in the county of Delaware, whereof William Mehaffey died seized and possessed, acquired by the escheat of the same, are hereby released to and vested in Margaret Mehaffey, widow of the said William Mehaffey, her heirs and assigns, forever.

§ 2. Nothing in this act contained shall release, discharge or impair any right, claim or interest of any creditor of the said William Mehaffey.

§ 3. This act shall take effect immediately.

Chap. 79.

AN ACT for the benefit and relief of the Water-ville Cemetery Association.

Passed April 1st, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. A deed made to the said association by the surviving resident grantees of Amos Osborn and wife of their interest remaining in the one acre conveyed by deed dated the fifth

day of December, eighteen hundred and forty-six, for cemetery purposes, shall vest the title in said association; and all conveyances heretofore and hereafter made by said association of the burial lots therein, shall be as valid and effectual as if made by said grantees.

§ 2. Every owner of a burial lot containing one hundred and sixty square feet or more, in the burying ground of the Waterville Cemetery Association, shall be entitled to vote for the election of the trustees of the said association.

§ 3. The old free burying ground adjoining and within the enclosure of the cemetery of the said association, shall hereafter be under the control and management of the board of trustees thereof; but the same shall remain free to the public for burial as heretofore.

§ 4. This act shall take effect immediately.

Chap. 80.

AN ACT relating to the city of Rochester, and to amend the charter thereof.

Passed April 1st, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to amend and consolidate the several acts relating to the city of Rochester," passed April tenth, eighteen hundred and fifty, as the same has been heretofore amended, is hereby further amended as follows:

Charter
amended.

§ 2. Section ten of the act hereby amended is amended by striking out the words "not exceeding five hundred dollars for one year, and at the same rate for any less period," after the words "counsel for said city not exceeding one year."

§ 3. Section seventy-two of the act hereby amended, is amended by striking out the word "July," and in place thereof inserting "May," and by striking out the word

"August," and in place thereof inserting "June," and section one hundred and two of said act, as amended March second, eighteen hundred and fifty-seven, is further amended by increasing the police fund of said city, from eleven thousand dollars, to thirteen thousand dollars; and it is further amended by adding thereto the following: "The common council may also at the time of levying the general city taxes in the year eighteen hundred and fifty-eight, levy and raise a sum not exceeding five thousand dollars to meet the deficiency in the amount heretofore raised for contingent expenses, which amount may be anticipated by loan; and the common council may also levy and raise in the same year the sum of four thousand three hundred and ninety dollars, for the purpose of meeting the deficiency in the highway fund for the year eighteen hundred and fifty-five, and eighteen hundred and fifty-six, which amount may be anticipated by loan;" and the contingent fund of said city is hereby increased from eight thousand dollars to ten thousand dollars.

Common
council to
levy tax, &c.

§ 4. The following sections of the said act are amended as follows:

Section one hundred and seven is amended by striking out the words "August, or before the fifteenth day of September," and inserting in place thereof "June." Section one hundred and nine is amended by striking out the word "October," and inserting in place thereof "July;" and section one hundred and ten is amended by striking out "February," and in place thereof inserting "November." Section one hundred and eleven is amended by striking out "October," wherever it occurs, and in place of it inserting "July," by striking out "December," wherever it occurs, and in place of it inserting "September;" by striking out "January," wherever it occurs, and in place of it inserting "October," and by striking out "February," wherever it occurs, and in place of it inserting "November." Section one hundred and twelve is amended by striking out the word "February," and in place thereof inserting "November;" and by striking out "March," and in place of it inserting "December." Section one hundred and thirteen is amended by striking out "March," wherever it occurs, and in place thereof inserting "December." Section one hundred and seventeen is amended by striking out "June," wherever it occurs, and in place thereof inserting "March."

§ 5. Section one hundred and fourteen of the act hereby amended is hereby amended so as to read as follows:

Treasurer to
issue war-
rants.

§ 114. It shall be the duty of the said city treasurer, upon all taxes so remaining unpaid on the fifteenth day of December next succeeding the completion of the said assessment rolls, to issue so many warrants as he shall deem proper, under his hand, and directed to any person whom he may see fit to appoint a collector of the taxes specified in such warrant, commanding such person as such collector to levy the amount of said tax, and an additional amount of five per cent, and also interest at the rate of twelve per cent per annum from the preceding fifteenth day of November, and the fees of said collector, by distress and sale of goods and chattels of the person against whom the said warrants shall be issued, or of any goods and chattels in his possession, wheresoever the same shall be found within said city, and to pay the same to the said city treasurer, and return such warrant within twenty days after the date thereof; and no claim of property to be made to such goods and chattels so found in the possession of the said party, shall be available to prevent a sale. After the return of any warrant, the treasurer, if he deem expedient, or if so directed by the common council, may issue a second or subsequent warrant for the taxes still remaining unpaid, with said percentage, interest and fees. Every collector shall hold his appointment during the pleasure of the treasurer, and may at any time be removed or suspended by him; and the treasurer and his sureties shall be liable for any collector, and for all money that may be collected or received by him. No warrant shall be delivered to any collector until he shall have executed and deposited with the treasurer a bond to the city of Rochester, with two or more sureties approved by such treasurer, and acknowledged in the manner required for the recording of conveyances of real estate, and conditioned for the faithful performance of his duties as a collector of the taxes specified in such warrant and for the faithful accounting and paying over to the treasurer all moneys that he may collect or receive under such warrant. If any collector shall fail to return any warrant issued to him, as therein required, or shall fail to pay over to said treasurer all moneys collected or received by him, or shall fail to render a full and true account thereof, the supreme court, or any justice thereof, shall have jurisdiction, on proof

Collector to
hold office
during pleasure.

Bond of collector.

by affidavit or otherwise, summarily to enforce such return, payment or accounting, or all, as the case may be, by attachment and proceedings thereon, in the same manner as if such collector were a sheriff, or officer of that court. The fees of such collector shall be estimated only on the moneys collected by him, and where several sums are assessed to the same person or persons, on the same list, such sums shall be deemed to be one tax for the purpose of estimating collectors' fees. The interest and percentage other than collectors' fees, shall be added to the contingent fund of the city. The said treasurer, immediately after receiving the bond of any collector, shall file the same in the office of the clerk of Monroe county, and the same shall be a lien upon the real estate of any person executing the same, situate in said county. Such collectors shall have full power and authority to execute said warrants in any part of the city; and if any such collector shall neglect or refuse to pay over any money collected by him, he shall be deemed guilty of a misdemeanor.

Fees of collector.

Bond to be filed with County Clerk.

§ 6. Section one hundred and fifteen of the act hereby amended is amended by striking out the word "constable," and in place thereof inserting the word "collectors;" and section one hundred and sixteen is amended so as to read as follows:

§ 116. If the property distrained shall be sold for more than the amount of the tax, and percentage and interest, and the costs of such distress and sale, the surplus shall be returned to the person in whose possession such property was when distress was made, if no claim be made to such surplus by any other person; if any other person shall claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner; but if such claim be contested by the person for whose tax the property was distrained, the surplus moneys shall be paid by the collector into the city treasury, there to be retained as a special deposit until the rights of the parties shall be determined by due course of law.

Property distrained.

§ 7. Section one hundred and twenty of the act hereby amended is amended so as to read as follows:

§ 120. If such tax or assessment, and the percentage, interest and expenses aforesaid, be not paid by the said first Tuesday in March, the city treasurer shall, at the time and

Treasurer to sell real estate.

Certificate to
be filed, &c.

place appointed in the notices required to be given as aforesaid, or on some day immediately thereafter, to which said sale may be adjourned, proceed to sell the said several parcels of real estate for the shortest time any bidder will take such premises and pay the said tax or assessment, with said charges and expenses; and on such sale, he shall execute to the bidder a certificate of sale, in which the property purchased shall be described; the aggregate amount of tax or assessment, and said charges and expense, and the time for which the premises were purchased, shall be specified; also the time when the purchaser will be entitled to receive the lease hereinafter mentioned. Said treasurer shall cause a copy of said certificate to be filed in the clerk's office of the said city, and the amount added to such tax or assessment shall be carried to the contingent fund. And section one hundred and twenty-two is amended by inserting before the word "costs," the words "interest, percentage."

§ 8. Section one hundred and fifty-three of the act hereby amended is amended so as to read as follows:

Treasurer to
give notice
of assess-
ments un-
paid.

§ 153. If any such assessment shall remain unpaid for fifteen days after the first publication of the notice required by the next preceding section, it shall be the duty of the said city treasurer to cause written or printed notice to be given to the person to whom the same shall be assessed, if a resident of said city, specifying therein the amount of such assessment, and requiring such person to pay the same to the said city treasurer, at his office, within thirty days from the publication of the notice required by the next preceding section, and that in default thereof, a warrant will be issued for the collection of said assessment, and interest thereon at the rate of twelve per cent per annum from the expiration of such thirty days, besides collector's fees.

§ 9. Section one hundred and fifty-five of the act hereby amended, is amended so as to read as follows:

Warrants for
unpaid
assessments.

§ 155. After the expiration of said thirty days, the city treasurer shall issue his warrant to a collector appointed by him for that purpose, and commanding him to collect the amounts unpaid on such assessment, with interest at the rate aforesaid and collector's fees, and shall annex to such warrant either a list of such assessment taken from the assessment roll or the roll itself, which said warrant shall be in the form, and the same proceedings shall be had as prescribed in the case of the collection of annual city taxes remaining unpaid; and all the provisions of the charter in

relation to the collection of annual taxes remaining unpaid after the fifteenth day of November, the warrants therefor, the appointment, duties, fees and security of such collectors, the responsibility of the treasurer and his sureties for such collectors, the jurisdiction of the supreme court and the justices thereof, in case of delinquency; the proceedings for the sale of lands for unpaid assessments, interest, costs and expenses, and the redemption thereof; and all the provisions in relation to the collection of the annual unpaid taxes as aforesaid, the charges thereon and the sale and redemption of lands therefrom, shall be applicable to every such assessment, except that the sale of lands therefor may be held at any time after the return of the warrant; and the five per cent charged on annual taxes (other than collector's fees) shall not be charged on such assessment.

Provision in
relation to
annual tax.

§ 10. Section one hundred and fifty-nine of the act hereby amended, is amended so as to read as follows:

§ 159. The said county treasurer shall publish and serve notices requiring all persons who shall have omitted to pay their county taxes, to pay the same to him as is directed in the preceding one hundred and twelfth section, and all the provisions of sections one hundred and ten, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen and one hundred and sixteen, as to the manner of proceeding, the appointment of collectors, taking security from them, their duties under such warrants, and the return of the same, and proceedings against such collectors, the liability of the county treasurer and his sureties for such collectors, shall apply to the collection of taxes on said rolls, and regulate the county treasurer and other officers in collecting such county tax, except that the bond of such collectors shall be to the treasurer of Monroe county. And the county treasurer shall have the same power as by the above provisions is conferred upon the city treasurer.

Notice to be
served on
persons
omitting to
pay tax.

§ 11. Section one hundred and eighty-eight of the act hereby amended, is amended so as to read as follows:

§ 188. The common council shall not proceed to open, widen or improve streets, lanes or alleys, or make other expensive works, the expense of which in whole or in part, is to be defrayed by a local assessment, until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, unless three-fourths of all the aldermen shall determine to make the

Streets, &c.,
to be opened

same after allegations have been heard, in which case no petition or request shall be necessary.

§ 12. Section two hundred and seven of the act hereby amended, is amended by striking out the words "sixty days thereafter" where they occur in said section, and in place of the words so stricken out, insert "twenty days after the same shall have been collected and received by the city;" and section two hundred and twenty-five of the act hereby amended, is amended so as to read as follows:

Taxes to be
liens.

§ 225. Every tax or assessment for public improvements, or for other purposes authorized by this act, assessed upon any lands, tenements, or real estate, or upon the owners or occupants thereof, shall be and remain a lien on such lands, tenements and real estate, on which or in respect to which the same shall be made, from the time of the confirmation by the common council of the roll containing the same, until the same shall be paid and satisfied. And the annual city taxes shall be liens thereon from the time of the passage of the resolution of the common council levying the same, until paid or satisfied. It shall be the duty of the city treasurer to procure a suitable book, and within three months from the passage of this act, cause to be copied therein a list of all lands sold for taxes and assessments by him or any of his predecessors, which have not been redeemed or canceled, specifying when sold, to whom, and for what time, and the amount of such sale, and shall deposit the same in the clerk's office of Monroe county, and shall within thirty days after any subsequent sale, furnish to the county clerk a list of such lands sold as above described, for record in said book, which list the county clerk shall record in said book immediately after receiving the same, and the amount of such sale on such parcel of land, shall be a lien thereon, and take precedence of any incumbrance whatever.

Suits.

§ 13. Section two hundred and fifty-four of the act hereby amended is amended by adding thereto the following clause: "In any suit to recover any penalty or forfeiture for the violation of any ordinance of the common council, the first process may be by warrant or summons at the option of the plaintiff;" and any process issued to enforce such penalty or forfeiture, may be served by a police officer of said city.

Bonds to be
issued.

§ 14. The common council of the city of Rochester may issue the bonds of said city, payable at such time and place

and with such rate of interest (not exceeding seven per cent per annum) and in sums as the common council shall direct, to an amount not exceeding fifty-nine thousand and five hundred dollars. They shall be executed under the corporate seal of the city, and signed by the mayor or such other officer of the city as the common council may designate, and may be payable to the holder or bearer thereof, and in such case shall be transferable by delivery, and which said bonds shall be used and negotiated by the said common council for the following purposes and no other: an amount not exceeding fifty thousand dollars of said bonds shall be used for discharging the floating debt of the city, and six thousand dollars of said bonds shall be applied to defray the expense of a culvert embankment, or bridging, or either, at Deep Hollow, where State street crosses the same; and the amount of one thousand and five hundred dollars of said bonds shall be applied to defray a portion of the expense of improving Andrews street from the Genesee river to St. Paul street; and two thousand dollars of said bonds shall be used for purchasing a site for a county clerk's office, whenever the board of supervisors of Monroe county shall appropriate a sum sufficient with said two thousand dollars to purchase such site; and the common council shall add to the general tax of each year a sum sufficient to pay so much of said bond, debt and interest, as may become due during the following year, the payment of which shall not otherwise have been provided for.

§ 15. The common council shall in the month of December, eighteen hundred and fifty-eight, elect by ballot three assessors for said city, one for one year, one for two years, and one for three years, whose terms of office shall commence on the first day of January thereafter, upon which day the terms of office of the present assessors of said city shall terminate. And the common council shall every year thereafter, in the month of December, elect by ballot one assessor for the term of three years, and may also from time to time as may be necessary, elect assessors to supply vacancies that may occur. The persons thus elected shall from and after said first day of January, be the assessors of the city of Rochester, and all provisions of law applicable to the present assessors of said city, and their powers and duties shall be applicable to the persons so elected. All provisions of law inconsistent herewith are hereby repealed. The persons thus elected assessors shall receive an annual

Assessors to
be balloted
for.

Assessors,
&c.

salary to be fixed by the common council at any time after such appointment. The board of assessors shall have power to employ not more than two clerks whose compensation shall be fixed by the common council. The annual assessment of property in each ward shall be made by the said assessors, by the third Tuesday of May, at which day the board of assessors shall meet at the common council room at nine o'clock in the forenoon, unless a different hour or place shall have been fixed and notified by the chairman of said board; and said assessors shall thereupon proceed in the same manner, and with the same powers as specified in section seventy-two of the act hereby amended, except that the assessment rolls when complete, shall be certified by all said assessors, or a majority of them.

General city
taxes.

§ 16. This act shall not apply to the general city taxes of the year eighteen hundred and fifty-seven, nor to proceedings founded thereon, except that collectors may be appointed to collect the same as provided in section one hundred and fourteen; otherwise this act shall take effect immediately; and the city treasurer and county treasurer may issue warrants, as is hereby prescribed, to collect any tax or assessment now remaining unpaid. But the time for paying all such taxes or assessments as remain now unpaid for the year one thousand eight hundred and fifty-seven is hereby extended until the first day of June next, and the time for the tax sales of the present year is also extended until the first day of September next.

§ 17. Section two hundred and twenty-four of the city charter is hereby amended by adding to the end thereof as follows: And if it shall appear that any greater sum of money than was originally assessed has been expended for the benefit of the same property originally assessed, although not embraced within the improvement as ordered by the common council, the common council may in like manner direct the assessment of the same upon the owners and occupants of houses and lands benefited thereby. This section shall be applicable not only to future assessments and re-assessments but also to assessments and re-assessments heretofore ordered by the common council, which are hereby made and declared valid and effectual as if this section two hundred and twenty-four had been originally enacted as hereby amended; and all assessments and re-assessments heretofore made or that hereafter may be made for local public improvements shall be and are here-

by declared to be valid and effectual, notwithstanding any irregularity, omission or error in the proceeding relating to the same, and all questions concerning the same shall be determined in all courts and places liberally to sustain such proceedings, and with reference to the very right of the case and not strictly. Treasurer's warrants may be issued for the collection of all or any of such assessments and re-assessments remaining unpaid, with the same force and effect, and all proceedings may be taken in like manner and with like effect as if no other warrant had before been issued.

Chap. 81.

AN ACT to amend "An act to amend an act entitled 'An act in relation to the Colonial History of the State, and the publication and distribution thereof,' passed April twelfth, eighteen hundred and fifty-six," passed April thirteenth, eighteen hundred and fifty-seven.

Passed April 2d, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, of the act entitled "An act to amend an act entitled 'An act in relation to the Colonial History of the State, and the publication and distribution thereof,' passed April twelfth, eighteen hundred and fifty-six," passed April thirteenth, eighteen hundred and fifty-seven, is hereby amended by striking out all after the word "university," and insert as follows: "Who shall deliver one full copy of the said colonial history to each member, officer and reporter of the present legislature, and also to the state officers, excepting those officers, reporters and state officers, who have heretofore received copies by any resolution or law, passed by any previous legislature; the

remaining copies shall be at the disposal of the regents of the university, for the purpose of literary exchanges.

§ 2. The regents of the university are hereby directed to embody the index of the colonial history in a separate volume of a size uniform with those already printed and to be distributed in the same manner and to the same persons designated in the foregoing section.

§ 3. This act shall take effect immediately.

Chap. 82.

AN ACT to amend an act entitled "An act to incorporate the city of Poughkeepsie," passed March 28th, 1854, and the amendment thereto, April 12th, 1855, to authorize the Common Council of said city to borrow and assess 2500 dollars for debts incurred by them for highway and bridge purposes.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of title two of the act entitled "An act to incorporate the city of Poughkeepsie," is hereby amended so as to read as follows:

Officers, &c.

§ 1. The officers of said city shall consist of one mayor, two assessors, one collector, one recorder, two justices of the peace, four constables, and twelve commissioners of schools, to be elected by the city at large; two aldermen and one supervisor to be elected in each ward; and one chamberlain, one superintendent of streets, one marshal, one overseer of the poor, one chief engineer of the fire department, and two assistants, and such other officers as are hereinafter authorized and such as not herein declared to be elective, shall be appointed by the mayor and common council.

§ 2. Section fourteen of title two of said act is hereby amended so that the first paragraph thereof shall read as follows:

§ 14. All officers elected or appointed under this act except aldermen, recorder and justices of the peace, shall hold their offices for one year and until their successors shall qualify; but all mayors elected on and subsequent to the first Tuesday of March, eighteen hundred and fifty-nine, shall hold their office for two years, and until their successors shall qualify. Term of office.

§ 3. Section eighteen of title two of said act is hereby amended so that next after the words "our city chamberlain" the words "one overseer of the poor" shall follow.

§ 4. Section four of title three of said act is hereby amended, by adding thereto at the end thereof as follows: "and every resolution or ordinance of the common council (except those prescribing rules for their own government and appointing officers) shall before it takes effect be presented duly certified to the mayor; if he approve of it, he shall sign it, in which case it shall take effect immediately thereafter unless otherwise ordered; if he do not approve of it, he shall return it, with his objections to the city chamberlain, within ten days after he receives it. The council may then proceed to reconsider the same and if two-thirds of all the members elected then agree to pass the same, it shall take effect as if it had duly received the mayor's signature; in every such case the votes shall be taken by yeas and nays and entered on the minutes of the meeting, and the objections of the mayor shall also be entered thereon at length by the chamberlain with the other proceedings. If such ordinance or resolution shall not be returned to the chamberlain, by the mayor within ten days after its receipt by him, it shall take effect in like manner as if he had signed it. Resolutions to be certified to by mayor. In case of veto.

§ 5. Section one of title five of said act is hereby amended so that the words "five thousand dollars" shall be substituted in the place of the words "four thousand dollars" therein.

§ 6. Section three of title six of said act is hereby amended so that the words "three thousand dollars" shall be substituted in the place of the words "two thousand five hundred dollars" therein.

§ 7. Section four of title six of said act is hereby

amended so that the word "May" shall be substituted in the place of the word "April" therein.

Section 8
amended.

§ 8. Section eight of title seven of said act is hereby amended so that next after the word "dollars" in the first paragraph thereof these words shall follow: "or such less sum as the common council shall prescribe."

Tax to be
levied, &c.

§ 9. Section five of title ten of said act as amended is hereby amended so as to read as follows:

§ 5. Such amount so certified shall not exceed six thousand dollars. The council of said city shall have power to levy and collect the same or any less amount which they may deem proper at the same time, in the same manner as other general city taxes are levied and raised and a separate column shall be provided in the general tax roll of said city in which shall be inserted the amount of tax assessed for the support of schools.

§ 10. Section six of title ten of said act as amended is hereby amended so that the first paragraph thereof shall read as follows:

Board of
education to
recommend
the raising
of money,
&c.

§ 6. If the said board of education shall at any time recommend the raising of more than six thousand dollars in a year for the support of schools, the said council may submit the question whether the excess above six thousand dollars shall be raised, to the electors of said city being tax payers, entitled to vote at a special tax election according to the provisions of this act at an election to be held in the manner in which special taxes are directed to be submitted to said electors, according to the provisions of this act. If a majority of the votes cast at such special election shall be given in favor of raising the amount recommended by the board of education the same shall be levied and collected in the manner prescribed by this act for school taxes. If a majority of such votes shall be given against raising such amount the said council shall proceed to raise such amount as they shall deem necessary, but not exceeding six thousand dollars, in the manner prescribed in this act for the support of schools.

§ 11. Section seven of title ten of said act as amended is hereby amended so that the word "may" shall be substituted in the place of "shall" between the words "council" and "thereupon" in the second paragraph thereof, and also so that in the last paragraph of last said section and next after the words "best therein" the following words shall be

inserted "the cost of building and furnishing such school-house shall in no case exceed five thousand dollars."

§ 12. The common council of the city of Poughkeepsie are hereby authorized to borrow for a period not exceeding eighteen months the sum of two thousand five hundred dollars to pay the debts and expenses incurred by them for the extraordinary repairs of roads and bridges in said city, during the last year beyond the amount raised by them for such purposes and to assess, levy and collect the said sum of two thousand five hundred dollars in conjunction with the general tax for highway purposes to be raised for the year eighteen hundred and fifty-eight or eighteen hundred and fifty-nine under the act incorporating said city and in the same manner as if it were an additional part thereof and the said sum of twenty-five hundred dollars when thus raised and collected shall be forthwith applied to the payment of the moneys borrowed pursuant hereto.

Common
council to
borrow
money.

To levy and
collect tax.

§ 13. Section fifteen of the amendment to said act passed April twelfth, eighteen hundred and fifty-five, is hereby amended so that the word "November" shall be substituted in the place of the word "July" in the second paragraph thereof, and so that the words "next civil" shall be inserted between the words "the" and "year" in the same paragraph, and also so that at the end of last said section the following words be added thereto: "all moneys received by the overseer from whatsoever source except the city chamberlain shall immediately on receipt be paid over to the latter by said overseer, and he is hereby required to deliver to the common council quarterly on the first Mondays of February, May, August and November in each and every year, and as much oftener as said council may require reports under his own signature and duly verified by his own affidavit in writing annexed thereto, stating in detail and under their proper dates the several amounts received and expended by him as such overseer, during each such quarter or other period prescribed by said council, together with the respective names and residence of the paupers relieved by him, and the said overseer shall in respect to keeping and rendering his accounts and to the purchase and distribution of supplies for the poor be subject to the supervision and control of the said common council and to such rules as they from time to time may prescribe, and the said overseer shall in each year with the approval of the common council contract with some good physician or physicians to furnish medicines and render

Overseer to
report to
Common
Council.

To render an
account of
moneys re-
ceived and
paid out.

services for all city paupers for one year, the common council are hereby authorized to remove the said overseer from his office if in their judgment he fails to perform all or any part of his duty as prescribed by this section or by any other law or statute of this state."

§ 14. The city of Poughkeepsie is hereby divided into two police districts; district number one to be composed of the First and Third wards of said city; district number two to be composed of the Second and Fourth wards of said city.

Police constable to be elected.

§ 15. There shall be elected at each annual election hereafter for the election of city and ward officers for said city, one police constable for each police district to be resident of the district from which he shall be chosen, and to be elected by the votes of the electors of the police district for which he is chosen.

Duties of police constable.

§ 16. Such police constables shall do and perform, all the duties that constables are now required by law to perform of a criminal character and to receive such compensation for these services, as is by said charter now provided, and in case of the sickness or absence of both of said police constables, said duties shall be performed during such sickness or absence by the civil constables of said city.

§ 17. All acts or parts of acts that are inconsistent with this act are hereby repealed.

§ 18. This act shall take effect immediately.

Chap. 83.

AN ACT to assess the lands south of the Allegany river, in the town of Bucktooth, in the county of Cattaraugus, to build a bridge across said river, and to appoint a commissioner to superintend the same.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the town clerk of the town of Bucktooth, in the county of Cattaraugus, to call a special town meeting of the freeholders of said town, residing on the south side of Allegany river on the first Tuesday of June next, to be held at the place where the last annual town meeting therein was held; said clerk shall give ten days notice of the time and place of said meeting by posting written or printed notices thereof in ten of the most public places in said town, at which town meeting the question shall be decided by a majority of the freeholders of the town residing on the south side of the Allegany river, whether a tax shall or shall not be imposed upon the lands in said town, lying south of the Allegany river, of seven cents upon each acre thereof, for the purpose of building a bridge across said river, near where the road down the Big Red House and Little Red House creek strikes said river.

§ 2. The said town meeting shall be presided over and conducted as other town meetings are presided over and conducted, and the form of ballot to be used at such town meeting shall be the words "for the tax" and "against the tax," and the votes shall be counted, canvassed, certified and returned to the clerk of said county and the clerk of of the board of supervisors, by the presiding officers and clerk of said town meeting, in the manner now by law required of inspectors of elections for county officers.

§ 3. If a majority of the votes given at said special town meeting shall be given for the tax, it shall be the duty of

Special town meeting to be called.

Town meeting, how conducted.

Board of supervisors, duty of.

the board of supervisors of Cattaraugus county, at their next annual session, to cause the sum of seven cents per acre to be added to the assessment of all the taxable lands in the town of Bucktooth, lying south of the Allegany river, and to cause the same to be levied and collected as other contingent charges of the town of Bucktooth are levied and collected, and when collected, to be paid into the county treasury, and which money shall be held by the treasurer, subject to the draft of the commissioner hereinafter appointed to superintend the building of said bridge.

Commissioner.

§ 4. O. P. Nichols of the town of Bucktooth, is hereby appointed commissioner to superintend the building of said bridge, who, before he enters upon the duties of the office, shall execute, with two sufficient sureties, to be approved by the county treasurer, and deliver to him a bond in the penalty of four thousand dollars, conditioned that he will faithfully and honestly discharge his duties under this act, and will annually report his doings in the matter to the board of supervisors of the county of Cattaraugus, which said bond may be canceled by said board whenever they shall be satisfied that said commissioner shall have fully discharged his duties under this act.

Duty of commissioner.

§ 5. It shall be the duty of said commissioner to cause said bridge to be erected and finished and for that purpose he shall fix upon a plan upon which the same shall be built, and give twenty days notice of the time and place at which the contract will be let to the lowest bidder, who will give sufficient security for the faithful performance of his contract, and shall at the time and place so advertised, let said contract, provided the same can be so let at a reasonable rate; and for all services under this act, rendered by such commissioner, he shall be allowed the sum of one dollar per day, to be paid by the town of Bucktooth.

§ 6. Nothing in this act contained shall be construed to create any liability upon the state.

Chap. 84.

AN ACT to remove the county site of Allegany county to the New York and Erie Railroad ; to locate and procure a new county site ; to rebuild county buildings thereon ; to appoint commissioners therefor ; to provide for the expenses of the same, and to authorize a sale of the old county site.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. William H. Mansfield, Jeremiah Osborne and John Stilson, are hereby appointed commissioners to designate some central and convenient point on the New York and Erie railroad at which to locate the county buildings, and site of the county of Allegany. They shall proceed without delay to examine the premises, and make and file in the office of the clerk of Allegany county a certificate under the hands of them or a majority of them, designating such point by the name of the town and village in which the same is located on or before the first day of June next. The said commissioners shall each receive for services actually rendered under this act the sum of three dollars per day, and the same travel fees allowed members of the legislature for one journey from their place of residence to and from the said point designated. The account shall be made out in items and verified by the oath of the commissioners, and shall be paid by the treasurer of said county out of the contingent fund in the treasury, and the amount so paid shall be repaid to said fund out of moneys borrowed from the comptroller as hereinafter mentioned.

§ 2. Isaac W. Fassett, of the town of Wellsville, Charles Davis, of the town of Amity, and Theodore F. Hall, of the town of Hume, in the county of Allegany, are hereby appointed commissioners to select and determine upon a suitable site whereon to build a court house, jail and clerk's

File survey
and descrip-
tion in
clerk's
office.

office, in and for the county of Allegany, which site shall be within one mile of the present depot of the New York and Erie railroad, at such point as shall be designated in the certificate of the said commissioners, as provided in the first section of this act. The said commissioners, or a majority of them, shall on or before the first day of July next, file a survey and description of said site in the office of the clerk of said county, with a certificate that they have selected the same for the purposes mentioned in this act, and the said commissioners are hereby authorized and required to procure a good and sufficient conveyance in fee of the title to the lands so selected as a site, to the supervisors of said county for said county, which conveyance shall be recorded in said county clerk's office.

Commis-
sioners to
cause to be
erected
suitable
buildings.

§ 3. The said Isaac W. Fassett, Charles Davis and Theodore F. Hall, or any two of them, are hereby authorized and required to cause to be erected and built on the site aforesaid, a fit and convenient building, or fit and convenient buildings, for a court house, jail, and clerk's office, of said county. The said commissioners may let the same by contract, upon one month's notice of said letting, published in all the newspapers of said county, for sealed proposals, to the lowest responsible bidder giving satisfactory security for the performance of said work, in one contract or separate parcels, as they deem fit. But said buildings shall be completed on or before the first day of September, eighteen hundred and fifty-nine.

Comptroller
of state to
loan money
to county.

§ 4. The comptroller of the state is hereby authorized and required to loan to the county of Allegany, the sum of twenty thousand dollars, out of any money in the treasury of the state belonging to the common school fund, which shall be a charge upon said county, and payable within six years, as the board of supervisors shall direct, with an interest of seven per cent, payable annually. The said board of supervisors shall raise the same, and interest thereon, by tax, in annual instalments of not to exceed five thousand dollars in each year, in the same manner as other contingent expenses of the county are assessed and collected. The comptroller shall pay over said money to the county treasurer, upon his executing and filing with said comptroller the bond mentioned in the next section of this act.

Treasurer
of county to
execute
bond.

§ 5. The treasurer of the county of Allegany is hereby required to execute a bond in his name of office, to the comptroller of the state, conditioned that he will pay to

said comptroller the money so loaned, with interest, in annual instalments of not more than five thousand dollars each, as the same is raised by tax by the board of supervisors of said county. The treasurer shall receive said money, and hold the same as the other public moneys of said county, and be subject to all the duties and liabilities which he is now under by law in reference to the other moneys of said county in the county treasury.

§ 6. It shall be the duty of the said treasurer of the county, and he is hereby authorized and required, from and after the first day of May next, from time to time to pay out of the treasury of the said county, on the warrant of the said building commissioners, or a majority of them, such sums not exceeding in the whole the sum of twenty thousand dollars, until the expenses of purchasing said lot or lots of land for said site, and erecting the said county buildings thereon, shall be fully paid, which expense shall not exceed the sum of twenty thousand dollars. Each warrant shall state the object for which said money is drawn, and to whom the same is to be paid, and shall be verified by the oath of one of the said commissioners.

Treasurer to pay out money on warrant, &c.

§ 7. It shall be the duty of the said building commissioners, before they enter on the duties required of them by this act, to take an oath before the county clerk of said county, well, faithfully and honestly to perform the same, and shall immediately thereafter, each give a bond to the board of supervisors aforesaid, with sufficient surety to be approved of by the clerk of said county, in the penalty of ten thousand dollars, conditioned for the faithful application of the moneys to be by them received or drawn as aforesaid, and to render a just and true account thereof to the said board of supervisors at the annual meeting thereof.

Oath of commissioners.

§ 8. And be it further enacted, that the board of supervisors of said county are hereby authorized and required to dispose of the old court house, jail and clerk's office, and the lands belonging to said county, and now constituting the county site of said county, for the use and benefit of said county; and they are hereby authorized to convey the same in such manner as by resolution a majority thereof may direct, provided that the said county retain possession thereof, until the new county buildings are completed as hereinbefore provided.

Board of supervisors to dispose of old court house.

§ 9. And be it further enacted, that the said building commissioners shall each be allowed and paid the sum of

Pay of commissioners.

two dollars for each day spent in the discharge of their duties on the business intended by this act, which shall be a county charge, and be audited and paid in the same manner as other county charges are by law required to be audited and paid; but the compensation of said commissioners shall not exceed the sum of two hundred dollars each.

Supervisors
to fill va-
cancies.

§ 10. And be it further enacted, the board of supervisors shall have power from time to time, and it shall be their duty, to fill any vacancy that may occur by the refusal to act, death or resignation, of either of said commissioners; and such newly appointed commissioners shall give the security and take the oath of office required by this act.

Certificates
to be filed
with sheriff,
clerk, &c.,
when jail is
ready for
use.

§ 11. And be it further enacted, that when, in the opinion of the said building commissioners, and the county judge of the county of Allegany, or a major part of them, the court house shall be so far completed as to be convenient and suitable for holding courts therein, the jail for the reception and confinement of prisoners, and the clerk's office for the safe deposit of records and papers contained therein, they shall cause a certificate thereof under their hands and seals to be filed in the clerk's office of said county, and a copy thereof to be served upon the sheriff of the said county: and the said buildings shall, in one week thereafter, be and remain the court house, jail and clerk's office of the said county, and thereafter the said place shall be the county seat of said county; and all public officers required by law to reside thereat, shall there reside, and all public offices required to be there kept, shall be removed to and kept at said county seat.

Courts to be
held in such
buildings,
&c.

§ 12. And be it further enacted, that when the said court house, jail and clerk's office, shall be completed as hereinbefore provided, all business required by law to be transacted, and courts required by law to be held at the court house, in said county, shall thereafter be transacted and held at such new court house. It shall be the duty of the sheriff to remove all prisoners confined in such old jail or jail limits, to the new jail, the jail limits whereof shall be established in the manner now provided by law; and as soon as said new jail limits are established, to remove all prisoners confined within the old jail limits to the new, and bonds given for the limits as bail to the said sheriff, shall remain valid and as effectual after, as before such removal; nor shall any such removal be deemed an escape. The county clerk shall carefully remove from the present clerk's

Clerk's
office.

office, all records and papers deposited therein, and deposit and place the same in proper form in such new clerk's office; and no process, proceeding, action or prosecution, pending in any court, civil or criminal, at law or in equity, or before any officer, shall be abated, discontinued, or in any way prejudiced by such removal, as in this section specified, or anything done in pursuance of this act.

§ 13. This act shall take effect immediately.

Chap. 85.

AN ACT to incorporate the American College of Medical Science.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. James Boorman, Augustus C. Richards, ^{Body corporate.} Samuel R. Betts, Caleb O. Halsted, Wilson G. Hunt, Isaac V. Fowler, Edmund Schermerhorn, F. H. Delano, L. S. Haskell, A. M. Sherman, Lorillard Spencer, Cyrus Curtiss, George S. Fox, E. R. Olcott, A. Oakley Hall, Fletcher Harper, R. H. Winslow, Edmund Dwight, Charles B. Fosdick, Dudley Persse, Horace H. Day, are hereby constituted a body corporate and politic, to be known by the name of the American College of Medical Science, to be located in the city of New York; and by that name they and their successors shall have perpetual succession, and a common seal; and a majority of the persons named in this section, shall, on the second Monday in April, elect a board of ^{Term of office of trustees.} trustees of the said corporation, who shall continue in office for the term of one year, or until three trustees are elected in their places.

§ 2. The said trustees, and their successors in office, by ^{Name and style.} the name of The Trustees of the American College of Medical Science, shall be able and capable in law to take, hold, purchase, and receive by gift, bequest or otherwise, to

Can hold
real and per-
sonal estate,
&c.

Meet an-
nually.

Vacancy
how filled.

Censors.

Board of
trustees to
confer de-
grees, &c.

them and their successors in office forever, any real or personal property not to exceed five hundred thousand dollars in amount, and have power to lease or mortgage such property as may seem to them most for the interest of said college. They shall have power to sue and be sued, and are hereby authorized to make such by-laws, rules and regulations, not contrary to the laws of the United States or this state, or which shall not be subversive of the spirit and purpose of this charter, as they may judge proper. Said board of trustees shall meet annually on the first Monday in November, for the election of trustees, or for such other business as may come before the board. The board of trustees shall consist of at least ten, and not more than twenty persons; and should any vacancy occur in said board, by death, resignation, or otherwise, the same shall, at the first stated meeting thereafter proceed to fill by ballot such vacancy. The board of trustees shall have power to elect by ballot, a president, vice president, clerk and treasurer of their board together with as many professors as they may think requisite, and generally to transact and accomplish any business conducive to the objects of this institution; and two-thirds of said board shall constitute a quorum.

§ 3. There shall be a board of censors, consisting of seven members, three of which shall be elected by the board of trustees, and three by the faculty of the college, and the seventh to be appointed by the six named and provided for in this section, which shall constitute a board for the examination of the students of this college, and five of said board shall make a quorum; and none of said censors shall, at time of censorship, be members of the faculty of said college. Two of said censors shall be appointed for two years, two for three years, two four years, and the seventh for five years.

§ 4. The board of trustees, upon satisfactory evidence that a candidate for a degree has passed an approved examination before the board of censors, in accordance with the by-laws of the college, shall have power to grant, such honors and degrees, giving such rights and privileges, as are usually granted by similar institutions, and in testimony thereof may deliver suitable diplomas. The by-laws shall provide that all examinations for a degree are to be public, and that the votes of the examiner in each candidate's case, together with a minute record of all examinations, shall be

inscribed upon a book, which shall at all suitable times be open to the public.

§ 5. The fees for the course of tuition shall not exceed ^{Fees for tuition.} those of the College of Physicians and Surgeons in the city of New York; and in all cases it shall be the duty of the officers of this college to remit these fees, on satisfactory proof to them that the student is unable to pay the same. All moneys which may be received from any students, over and above the current expenses of the college, shall be expended in the establishing of a suitable library, museum and dispensary, for the use of those connected with the college.

§ 6. To entitle any graduate to the degree of fellowship, he shall be fully examined by the board of censors and the faculty, which in all other respects shall conform to the course pursued in the examination of the student, as provided for in section fourth of this charter.

Chap. 86.

AN ACT to extend the time for the collection of taxes in the town of New Utrecht, in the county of Kings, and the town of Westfield, in the county of Richmond; also the towns of Flushing, New Town and Jamaica, in Queens county, and the town of Greenburgh, in Westchester county.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If the collectors of the town of New Utrecht, in the county of Kings, and the town of Westfield, in the county of Richmond, and the towns of Flushing, New Town and Jamaica, in the county of Queens, and the town of Greenburgh, in the county of Westchester, shall within the time now provided by law, pay over all the moneys by

them collected, and shall renew their security to the satisfaction of the supervisor of said towns, the time for the collecting and making a final return of taxes in said towns shall extended to the first Monday in May next.

§ 2. In case said collectors for any cause do not renew their security, and pay over all the moneys by them collected, within five days after the expiration of their warrants, the justice of the peace of said towns may in writing, a copy of which to be filed in the office of the clerks of said towns, appoint other collectors in their stead, who shall give such security and bonds, to be filed in the office of the county clerk, as shall be approved by said supervisors, and such new collectors shall possess all the powers, and be subject to all the liabilities of the original collectors, and shall make their final returns on said first Monday of May next.

§ 3. This act shall take effect immediately.

Chap. 87.

AN ACT to provide for the abandonment of the old canal lying west of the Owasco outlet, and east of lock number fifty-two, in the village of Port Byron, and the payment of damages caused by such abandonment.

Passed April 2, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that portion of the old Erie canal lying west of the Owasco outlet, and east of lock number fifty-two, in the village of Port Byron, on the fulfillment of the provisions of the second section of this act, may be abandoned by the canal board, and the same shall not be subjected to the restrictions of the law of eighteen hundred and fifty-four, which prohibits the abandonment of the old canal through cities and incorporated villages.

§ 2. The canal board are authorized and required to settle upon the damages to the mill property of Edward Bradfield and Henry Roberts, situate upon said canal, caused by such abandonment, and to award to them such sum therefor as in the judgment of said board shall be just and equitable, not exceeding the sum of eight thousand dollars, which shall be paid by the treasurer upon the warrant of the auditor, out of any moneys appropriated to the Erie canal enlargement, which shall be in full of all claims for damages to all other property situated on said old canal, and no portion of said damages shall be paid to said mill owners until they shall have procured a release to the state of all such damages and the same shall be filed in the canal department. The aqueduct over the said Owasco outlet shall be left standing, to be used as a road bridge over said outlet, but not to be kept in repair by the state.

§ 3. This act shall take effect immediately.

Chap. 88.

AN ACT to authorize the erection of a building for the public use of the town of Oswegatchie and the village of Ogdensburgh, in the county of St. Lawrence.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of St. Lawrence, shall, at their next annual session, assess upon the taxable property of the town of Oswegatchie, in the same manner as other town charges are assessed and collected, the sum of five thousand dollars, besides the fees for the collection; and at the annual session of said board, in eighteen hundred and fifty-nine, shall assess in like manner, such additional sum as may be necessary to meet and pay the whole amount of bonds hereinafter authorized to

Supervisor
to assess
upon town
\$5,000.

be issued, not exceeding, in the whole, the sum of ten thousand dollars, which moneys when collected, shall be paid over to the supervisor of said town, to be applied to the payment of the bonds authorized to be issued by this act.

Supervisor
and clerk to
issue bonds,
&c.

§ 2. The supervisor and town clerk of the town of Oswegatchie, are empowered and directed to issue the bonds of the said town to an amount not exceeding five thousand dollars, payable on the first day of February, eighteen hundred and fifty-nine, and upon the written requirement of the commissioners hereinafter named, such amount as they shall certify will be necessary to accomplish the object of this act, payable on the first day of February, eighteen hundred and sixty, not exceeding in the whole amount the sum of ten thousand dollars, which bonds shall be delivered over to the said commissioners, to be accounted for as hereinafter provided.

Commis-
sioners
appointed.

§ 3. Smith Stilwell, John Pickens and Alden Vilas, are hereby appointed commissioners for the expending of the money authorized to be raised by this act, in the erection, completion and furnishing of a building adapted to the public uses of the said town of Oswegatchie and the village of Ogdensburgh, including a room for the public meetings of the inhabitants of said town and village; a room for the meeting and deliberation of the trustees of said village, and of the board of education; a police court room; such number of lock-up or prison rooms as they shall deem necessary, together with rooms for a keeper and his family, with such other rooms and appurtenant buildings and accommodations as are necessary or proper for said purposes.

Bond of
commis-
sioners.

§ 4. Before entering upon their duties, the said commissioners shall execute a bond, in the penal sum of ten thousand dollars, to the supervisor of the town of Oswegatchie, with sureties to be approved by him, conditioned for the faithful performance of their duties under this act, and for accounting for all moneys which shall come into their hands in pursuance of its requirements.

Commis-
sioners to
negotiate
bonds.

§ 5. The said commissioners shall proceed, as soon as may be, in the performance of their duties, and shall be authorized to negotiate and dispose of the bonds hereinafter authorized to be issued for cash funds, at their discretion, on the best terms that can be obtained for the same, and the moneys raised therefor to be applied by them, as may be required in the performance of their duties under this act.

§6. The said commissioners shall account for the bonds which shall be delivered to them, by a detailed statement, to be rendered to the board of town audit of the town of Oswegatchie, of the expenditures made by them, accompanied by proper vouchers, and in such statement or accounting, they shall be entitled to credit for such discount as they may have made to raise money on the said bonds, and also two dollars per day for each day actually and necessarily spent by either of them in the performance of their duties, under this act; and should any moneys remain from the disposition of said bonds, the same shall be paid over to the supervisor of the said town, to be used and applied to the payment of town expenses.

Account for
bonds, and
make state-
ment to
town board.

§7. In case of a vacancy in the office of commissioner, by death, removal, resignation or refusal to serve, the same may be filled by an appointment, to be made by the supervisor and town clerk, acting conjointly with the president of the board of trustees of the village of Ogdensburgh. Any commissioner so appointed, before entering upon the duties of his office, shall be required to give bail, as is required of those named in this act.

Vacancies,
how filled.

§8. The building herein provided to be erected, when completed, shall be under the care and supervision of the trustees of the village of Ogdensburgh, and the principal hall therein shall be opened at any and all times, for the civil and municipal purposes of the town of Oswegatchie and the village of Ogdensburgh, and for no other purposes whatever; and in case of its being wanted for the town and village purposes at one and the same time, the town is to have the preference.

Building
when
erected to be
under super-
vision of
trustees.

§9. The expense of fuel, lights, sweeping and other charges, resulting from or necessary for the use of said building, except so far as they may be met or discharged by the use of the dwelling part thereof, shall be a charge upon the village of Ogdensburgh, and paid out of the general fund of said village, and all alterations and repairs shall be at the expense of the town.

Expense of
fuel, &c.

§10. No moneys shall be expended under this act, until the board of trustees of the village of Ogdensburgh, shall have procured a lot of ground, either by purchase or exchange, suitable in size and situation for the said building, and which shall be approved by the commissioners named in this act for that purpose, and the same shall have been assured to the use of the town of Oswegatchie, by a proper

Trustees of
village to
procure a
lot.

conveyance, for a town hall, forever. And for the purpose of enabling the said trustees to make a satisfactory location, they are authorized to exchange any lot or part of a lot now owned by them, for such other as shall be deemed more advantageous for the objects of this act, or to sell the same or any part thereof, and to invest the proceeds, or such part thereof as may be necessary in the purchase of such other lot of ground, or to purchase such lot without the sale or exchange of any lot now owned by them.

§ 11. This act shall at all times be subject to alterations or amendment.

§ 12. This act shall take effect immediately.

Chap. 89.

AN ACT for the protection of the proprietor or proprietors of Little Lake, in Dryden, Tompkins county, in the production and preservation of fish in said lake.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be unlawful for any person to fish, or to take of any fish by any means whatsoever, out of the waters of the Little Lake, so called, situate in Dryden, in the county of Tompkins, and state of New York, without the previous consent of the proprietor or proprietors thereof.

§ 2. Whoever shall intentionally violate the preceding section, shall forfeit and pay to the proprietor or proprietors of said lake the sum of five dollars for the first violation, and ten dollars for each and every violation after the first, to be recoverable in an action before any justice of the peace in the counties of Tompkins, Cortland and Tioga, in the names of the person or persons, who are or shall be, for the time being, proprietors of said lake; and the several justices of the peace of the said counties of Tompkins, Cortland and

Tioga, are hereby respectively authorized and empowered to entertain, and try all such actions with or without a jury, as in ordinary civil cases.

§ 3. This act shall take effect on the first day of July, next, and prior thereto, a copy of this act duly certified shall be published for four weeks in two public newspapers printed within the said county of Tompkins, one paper in the county of Cortland, and one paper in the county of Tioga, the charges for which printing shall be paid by the proprietor or proprietors of said lake.

Chap. 90.

AN ACT to legalize the proceedings of the Board of Supervisors of the county of Allegany, in the erection of the town of Ward, in said county.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The preliminary proceedings instituted for the erection of the town of Ward, in the county of Allegany, the proceedings of the board of supervisors of said county in creating and erecting said town, and all proceedings had in relation to the first election held in and for said town, and the election of officers held thereat, are hereby declared valid and binding, and no omission to comply with any of the provisions of chapter one hundred and ninety-four of the laws of the legislature of the state of New York, passed April third, eighteen hundred and forty-nine, shall affect the regularity and legality of such proceedings and election.

§ 2. The election of the various officers in and for said town, who were declared elected at the first town meeting of said town, and who duly qualified as such officers, are hereby declared legally elected, and the omission to com-

ply with any of the provisions of the said chapter one hundred and ninety-four, in any of the proceedings enumerated therein, shall not affect or invalidate the election of said officers.

§ 3. This act shall take effect immediately.

Chap. 91.

AN ACT to increase the compensation of Grand and Petit Jurors, in and for the city and county of Albany.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Grand jurors attending any session or meeting of any grand jury, held in and for the county of Albany, and petit jurors attending any circuit court, court of oyer and terminer, county court, general sessions of the peace, or any court of record held in and for the city and county of Albany, instead of the compensation now allowed by law, shall be entitled to receive one dollar and a half for each day's attendance as such jurors, in addition to the fees for travel now allowed by law; and the amount so compensating the said jurors shall be raised in the same manner as other county charges are now raised and collected and all acts or parts of acts, so far as they are inconsistent with this act, are hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 92.

AN ACT to amend an act entitled "An act to incorporate the Waterville Volunteer Fire Company."

Passed April 2d, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of the act entitled "An act to incorporate the Waterville Volunteer Fire Company," passed April twenty-fourth, eighteen hundred and twenty-nine, is hereby amended so as to read as follows:

§ 2. The said trustees and their successors, or a majority of them, shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept) not exceeding thirty-six, to each engine belonging to said company, to have the care, management, working and using said fire engine or engines, and all the implements aforesaid, and who shall be ready at all times to assist in extinguishing fires.

§ 2.* This act shall take effect immediately.

* So in original.

Chap. 93.

AN ACT to authorize the Fort Plain Seminary and Female Collegiate Institute, to borrow money and mortgage its property therefor.

Passed April 2d, 1868.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The president and secretary of the Fort Plain Seminary and Female Collegiate Institute are hereby authorized to borrow for the use of said seminary, a sum of money not exceeding four thousand dollars, and to execute a mortgage upon the real estate belonging to said institution, as security therefor, whenever two-thirds of all the trustees shall by a vote at any regular or special meeting authorize them to do so.

§ 2. Nothing in this act shall be so construed as to prohibit or prevent the Fort Plain Seminary and Female Collegiate Institute from drawing and receiving from the literature fund the same amount or distribution share thereof, as it would be entitled to, provided there was no incumbrance upon the property of said institution.

§ 3. This act shall take effect immediately.

Chap. 94.

AN ACT to authorize the Clerk of Wyoming county to discharge a certain mortgage.

Passed April 2d, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The clerk of Wyoming county is hereby authorized and empowered to discharge of record a certain mortgage recorded in liber two of mortgages, on page two hundred and fifty-six, given by Lyman H. Babbitt to E. Darwin Smith, clerk in chancery for the eighth circuit in the state of New York, and to his successors in office.

§ 2. This act shall take effect immediately.

Chap. 95.

AN ACT to amend an act entitled "An act in relation to Common Schools in the village of Lockport," passed March thirty-first, eighteen hundred and forty-seven.

Passed April 2d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All taxes hereafter to be levied and collected within the bounds of the "Union school district of Lockport," for contingent expenses appertaining to the union school, the secondary schools, the primary schools, and the colored school, shall be levied and collected of all the taxable property, real and personal, in said union school

district, as one general tax, and shall be expended for the benefit of the said several schools under the direction of the board of education for the village of Lockport; and no separate tax on the union school district, the secondary school districts, primary school districts, or for the colored school, shall hereafter be levied or collected for contingent expenses; but the expenses of purchasing a lot or lots for secondary or primary schools, and the erection of buildings or other permanent fixtures thereon, shall be levied and collected of all the taxable property, real and personal, in each of the said several districts.

§ 2. This act shall take effect immediately, and all acts or parts of acts inconsistent with this act, are hereby repealed.

Chap. 96.

AN ACT in relation to the election and term of office of Overseers of the Poor of the several towns of Seneca county.

Passed April 2, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be hereafter elected in the several towns of the county of Seneca, only one overseer of the poor of said towns respectively, and that such overseer so hereafter elected, shall hold their said office for the term of two years.

§ 2. The term of office of all overseers of the poor elected under this act, shall commence on the first day of December next after their election.

Chap. 97.

AN ACT to change the mode of collecting highway assessments in the village of Canton, and to authorize moneys to be raised for street purposes, and to change the time of holding the annual elections of said village.

Passed April 3d, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Canton, in St. Lawrence county, are authorized to levy and collect from the assessed property in said village, according to the village assessment rolls of each year, the sum of not exceeding twenty cents on every one hundred dollars of the assessed value, in lieu of highway labor formerly charged on such property in the town of Canton, to be levied and collected in the ordinary manner by the collector of said village, upon the warrant of said trustees.

§ 2. At the annual elections of said village, in the years one thousand eight hundred and fifty-eight, and one thousand eight hundred and fifty-nine, or at any special meeting of the inhabitants of said village, in said years, called by the said trustees for that purpose, by notices of such meeting posted in at least five public places ten days previous thereto, the taxable inhabitants of said village being legal voters at such election or meeting, may, by the votes of a majority of the legal voters present at such election or special meeting, authorize the said trustees to levy and collect from the taxable inhabitants and property in said village, money not exceeding five hundred dollars in each of said years, to be applied exclusively to the improvement of streets and sewers in said village; but no vote to authorize such taxes shall at any special meeting be valid, unless such previous notices shall have been given.

§ 3. The time for holding future elections in said village for the election of village officers, shall be the first Tuesday in the month of April in each year hereafter.

§ 4. All acts or parts of acts inconsistent with the provisions of this act, are hereby modified or repealed.

§ 5. This act shall take effect immediately.

Chap. 98.

AN ACT to incorporate Independent Engine Company No. 5, of Binghamton, New York.

Passed April 3d, 1858; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Job N. Congdon, William H. Stillwell, Ephraim R. Jones, Benjamin Deboe, Tracy R. Morgan, Abram DeWitt, Henry B. Clark, Seymour S. Horton, Henry W. Horton, William H. Close, C. G. Williams, and their associates, are hereby constituted a body corporate, by the name of "Independent Engine Company number five," and by that name they and their successors shall be capable in law of purchasing, holding and conveying, any real estate or any personal estate necessary for their use as a fire company, to the amount of ten thousand dollars; and, also, by the corporate name aforesaid, they and their successors shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever.

§ 2. The said corporation shall have full power to make and establish such by-laws, rules and regulations as they from time to time shall think proper, as to their officers, their time and place of electing them, the period of their continuance in office, their removal for good cause, their powers and duties, and as to their removal for good cause, and the government of persons appointed by them as fire-

men, and with respect to the purposes for which this corporation is constituted.

§ 3. The said corporation shall have full power and authority to nominate and appoint a sufficient number of firemen, not exceeding seventy-five, to have care and management of the fire engine and all the implements belonging to said company, and who shall be ready at all times to assist in extinguishing fires, and to perform all duties which may be required of them by the regulations of said company, and in case of removal of any members to appoint others in their places. The company hereby incorporated, shall in case of actual fires be subject to the corporate authorities of said village and to the ordinary rules of the fire department thereof.

§ 4. Each of the persons so to be appointed firemen as aforesaid, who shall serve as such firemen for seven years, shall during such service and forever thereafter, be exempt from serving as a juror in any of the courts of this state, and from militia duty, except in cases where the militia are ordered into active service.

§ 5. This act shall take effect immediately.

Chap. 99.

AN ACT to authorize the President and Trustees of the village of Liverpool, to purchase and hold real estate.

Passed April 5th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact, as follows:

SECTION 1. The president and trustees of the village of Liverpool, are hereby authorized and empowered to take, purchase and hold real estate, not to exceed in value one thousand dollars, in addition to the real estate authorized to be purchased in pursuance of the act entitled "An act to

provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven.

§ 2. The real estate authorized to be purchased in pursuance of the first section of this act, shall be purchased and paid for in the manner now provided by the said act to provide for the incorporation of villages, for the purchase of real estate, and in pursuance of the provisions of said act.

§ 3. This act shall take effect immediately.

Chap. 100.

AN ACT to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county

Passed April 5, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners.

SECTION 1. Daniel Ames, of the town of North Elba, Eli Clough, and Edward C. Conger, of the town of St. Armand, Essex county, are hereby authorized and appointed commissioners to lay out and construct a road by the most direct feasible route, from the old state road near lot number one hundred and seventeen, in township number eleven of the old military tract, to intersect the Port Kent and Hopkinton turnpike, in Franklin county, said road to run as near due north as practicable.

§ 2. All the lands of non-residents in the townships nine and eleven, and south-west quarter of township ten, in the old military tract, and in townships fifteen, eighteen and twenty-one, in Macomb's purchase, and in the White Face mountain tract, shall be and the same are hereby constituted one road district, under charge of said commissioners appointed by this act and their successors in office.

§ 3. The commissioners of highways of the several towns in which said lands are situate, shall annually assess and charge thereon the usual highway taxes, in the same manner as such taxes are assessed and charged upon other lands in their respective towns, which taxes shall be paid to the said commissioners appointed under this act, for the purpose of constructing the road herein mentioned. All such highway taxes not paid to said commissioners appointed under this act, by persons liable to pay the same, previous to the annual meetings of the boards of supervisors of Essex and Franklin counties, shall be assessed and charged by said board of supervisors respectively, upon the assessment rolls of the several towns embracing said lands, as other highway taxes are charged; and the county treasurers of the counties in which said lands are situated, shall pay over to the comptroller, when they make their annual returns of arrears of taxes, the amount of all highway taxes assessed upon any lands in said road district, which may be paid to said treasurers.

Commissioners of highways to assess highway taxes, &c.

Supervisors to assess for unpaid taxes.

§ 4. A sum equal to all the admitted arrears of highway taxes assessed upon said lands, together with any sums that may be paid to the comptroller, as provided by the third section of this act, shall be paid annually to the said commissioners on the order of any two of them, out of the treasury of this state; the comptroller shall also pay to said commissioners, a sum equal to the highway taxes assessed on said lands for the year eighteen hundred and fifty-seven, on their order, or order of any two of them.

Comptroller may pay certain sums

§ 5. The commissioners appointed under this act, shall possess all the rights and power of commissioners of highways in said road district, and if the officers, or any of them, whose duty it shall be to assess the highway taxes on any of the lands in said road district, shall neglect to assess any of the same, said commissioners shall make such assessment, and the tax so assessed by said commissioners shall be valid, and collected in the same manner as other highway taxes are collected on non-resident lands.

Powers of commissioners.

§ 6. The said commissioners shall give bonds with satisfactory sureties to the comptroller of this state, in the penal sum of one thousand dollars each, for the faithful performance of their duties, before entering upon the discharge thereof; and said commissioners shall expend the moneys received by them under the provisions of this act, as they shall deem best for the laying out and opening of said

Bond of commissioners.

road; they shall be allowed out of the aforesaid moneys, two dollars each per day for their services while actually employed, and also a sum sufficient to pay their reasonable expenses in laying out and constructing said road.

To render
an account.

§ 7. The said commissioners shall render to the comptroller annually before the first day of January, under oath, an account of their expenditures, and the comptroller shall have power to fill all vacancies that shall occur in the office of said commissioners.

§ 8. This act shall take effect immediately.

Chap. 101.

AN ACT for the relief of Abraham S. Egbert, and others.

Passed April 5th, 1858, three-fifths being present.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows :*

County
treasurer to
settle with
Egbert, col-
lector, &c.

SECTION 1. The county treasurer of the county of Richmond, shall have power, and it shall be his duty, to settle with Abraham S. Egbert, collector of taxes levied in the town of Castleton, in said county, in the year one thousand eight hundred and forty-eight, in the same manner and upon the same terms, as if the returns of the said Abraham S. Egbert, collector, had been duly and properly made to the said county treasurer, within the time required by law. On such settlement he shall credit and allow to the said Abraham S. Egbert, as such collector:

1. All moneys actually paid to said county treasurer by said Abraham S. Egbert, or any one for him, for and on account of such taxes.

2. The amount of all such taxes as were uncollectable, for any reason, during the life of the warrant, delivered to him as such collector, or were not in fact collected and received by him.

3. All such other amounts and sums of money as he

may be satisfied, by proper and competent proof, ought in justice and equity to be allowed to him as such collector.

§ 2. For the purpose of making such settlement, the said county treasurer is hereby authorized to summon witnesses before him, and to administer the proper and necessary oaths and affirmations to such witnesses. Treasurer may summon witnesses.

§ 3. Upon making such settlement, if any balance shall be found due from the said Abraham S. Egbert, as such collector, the said county treasurer shall make a statement and certificate, subscribed by him officially, of the amount so found due, and shall deliver the same to the said Abraham S. Egbert, or to any person who was surety for him as such collector. Statement to be made by county treasurer.

§ 4. Upon presenting the said certificate, duly acknowledged, proved or verified, to any justice of the supreme court, he shall make an order in the usual form, directing that the amount so certified to be due shall be collected upon any execution which has been or may thereafter be issued upon any judgment rendered or obtained against the said Abraham S. Egbert and his sureties, or any or either of them, for or on account of any neglect or default of the said Abraham S. Egbert, as such collector, in collecting or paying over the said taxes, or any part thereof, as required by law, and that upon the payment or collection of said sum, so certified to be due, together with the sheriff's fees, the said execution shall be deemed satisfied and of no further force or effect, which order shall be filed and entered in the office of the clerk of the proper county, and shall have the same force and effect as if made upon motion, at a special or general term of the supreme court. Justice of supreme court to make an order.

§ 5. Whenever the amount specified in said order, with the sheriff's fees, shall be paid to or collected by the sheriff or other officer having such execution in his hands for collection; he shall satisfy and return the same in the usual form, and the clerk of the court shall thereupon satisfy and discharge the said judgment of record.

§ 6. This act shall take effect immediately.

Chap. 102.

AN ACT to authorize the Buffalo and Pittsburgh Railroad Company to consolidate with the Buffalo and Bradford Railroad Company

Passed April 6, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Buffalo and Pittsburgh railroad company may consolidate with the Buffalo and Bradford railroad company, at any time, into a single corporation, in the following manner:

Directors
may enter
into an
agreement,
&c.

1. The directors of the said companies may enter into an agreement in writing, under their respective corporate seals for the consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation so to be formed, the time and manner of electing directors, together with such other details as they may deem necessary to embrace in said agreement, not inconsistent with the provisions of the act entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, and the act amending the same.

Agreement
to be sub-
mitted to
stockhold-
ers, &c.

2. Such agreement of the directors shall not take effect until it shall have been submitted to the stockholders of the Buffalo and Pittsburgh railroad company, at a meeting thereof, to be called upon notice of at least two weeks, specifying the time and place of such meeting, and the object thereof, to be addressed to each of such stockholders, where the place of residence is known to the secretary of said company, to be deposited in the post office, and published in a daily paper in the city of Buffalo, for two successive weeks prior to the time of such meeting, nor until it shall have been sanctioned and approved by the votes of at least two-thirds, in amount, of said stockholders, represented at such meeting, voting by ballot, either in person or by proxy; each share of the capital stock of said company to be enti-

tioned to one vote. And where such agreement of the directors has been so as aforesaid submitted and approved by the stockholders, and a sworn copy of the proceedings of such meeting, made by the secretary of said company, is attached to the said agreement, it shall be the evidence of the holding and the action of such meeting in the premises.

§ 2. Upon the making of the agreement mentioned in the preceding section, and its approval in the manner required therein, and filing a duplicate or counterpart thereof in the office of the secretary of state, and immediately upon and after the first election of directors of the said new corporations, all and singular the rights, franchises and interests of the said the Buffalo and Pittsburgh railroad company, in and to every species of property, real, personal and mixed, and things in action thereunto belonging, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same together with the right of way, and all other rights of property, franchises and interests, to all intents and purposes, as if the said new corporation had been duly organized under and by virtue of the joint laws of this state and the state of Pennsylvania; and the said new corporation may have, hold, occupy and enjoy, all and singular every species of property, real, personal and mixed, which by the laws of the agreement mentioned in the preceding section, may be transferred to it by the said the Buffalo and Bradford railroad company.

Approval of
agreement.

§ 3. The rights of creditors of the said Buffalo and Pittsburgh railroad company shall not in any manner be impaired by the act of consolidation, nor shall any liability or obligation for the payment of any money now due or hereafter to become due to this state or any individual, or any claim or demand for any act done by said corporation, be in any manner released or impaired; but such new corporation is declared to succeed to such obligations and liabilities, and be held liable to pay and discharge all the debts and liabilities of the said Buffalo and Pittsburgh railroad company, in the same manner as if such new corporation had itself incurred the obligations or liability to pay such money or damages; and no suit, action, or other proceedings now pending before any court or tribunal in which the said Buffalo and Pittsburgh railroad company is a party, shall be deemed to have abated or discontinued by reason of such agreement of consolidation, but the same may be prosecuted

Condition of
Buffalo and
Pittsburgh
R. R.

to final judgment in the same manner as if the said corporation had not entered into such agreement of consolidation or the said new corporation may be substituted as a party in the place of the said Buffalo and Pittsburgh railroad company, by order of the court in which such action, suit, proceeding may be pending.

§ 4. This act shall take effect immediately.

Chap. 103.

AN ACT to provide for the speedy construction and repair of roads and bridges where the same shall have been damaged or destroyed.

Passed April 6th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bridges, &c.,
to be repaired
by commissioners
of highways.

SECTION 1. In case any road or roads, bridge or bridge shall be damaged or destroyed by the elements or otherwise after any town meeting shall have been held, or when late to give notice as required by chapter six hundred and fifteen of the laws of eighteen hundred and fifty-seven, then shall be lawful for the commissioner or commissioners of highways, by and with the consent of the board of town auditors of the town or towns in which such road or bridge shall be situated, to cause the same to be immediately repaired or rebuilt, and the commissioner or commissioners of highways shall present the proper vouchers for the expense thereof to the town auditors, at their next annual meeting, and the same bills shall be audited by them and collected in the same manner as though the amount had been voted at any town meeting as now required.

Town auditors to audit expenses incurred, &c.

§ 2. The board of town auditors may be convened in special session by the supervisor, or in his absence the town clerk, upon the written request of any commissioner of highways, and the bills and expenses incurred in the erection

repairs of any such roads or bridges, may then be presented to and audited by such board of town auditors; and the supervisor and town clerk shall issue a certificate, to be subscribed by them, setting forth the amount so audited and allowed, and in whose favor, and the nature of the work done and material furnished; and such certificate shall bear interest from its date, and the amount thereof, with interest, shall be levied and collected in the same manner as other town expenses.

§ 3. No account for services rendered or material furnished according to the provisions of this act, shall be allowed by such board unless the same shall be accompanied by the affidavit of the party or parties performing such labor or furnishing such material, nor unless the commissioner or commissioners shall certify that such service has been actually performed, and such material was actually furnished, and that the same was so performed or furnished by the request of said commissioner or commissioners, and such board of auditors may require and take such other proof as they may deem proper to establish any claim for such labor and material, and the value therefor. What accounts may not be allowed.

§ 4. This act shall apply to any instance coming within its provisions which may have occurred in the year eighteen hundred and fifty-seven, in the county of Tompkins.

§ 5. This act shall take effect immediately.

Chap. 104.

AN ACT for the relief of Alvah Ward, Archibald McVickar, and William I. Skinner.

Passed April 6th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board is hereby authorized and directed to hear and adjudicate upon the claims for damages of Alvah Ward, Archibald McVickar, and William I.

Skinner, which were rejected by said board by a resolution passed February twelfth, one thousand eight hundred and fifty-eight, for want of jurisdiction, and to award them such damages as they shall have sustained by reason of the abandonment of the plan of improvement of Black river under which said contracts were made; but prospective damages shall not be allowed, except to the extent of the loss in boats, machinery, implements, and materials procured for the work, and time in taking care of the same since the work was stopped.

§ 2. The treasurer shall pay on the warrant of the auditor of the canal department any sums of money that may be awarded to said claimants under this act, out of any moneys in the treasury applicable to the completion of the Black river canal.

§ 3. This act shall take effect immediately.

Chap. 105.

AN ACT to amend the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, so far as relates to the village of Port Jervis, in the county of Orange.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

SECTION 1. The twenty-fifth section of the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, is hereby amended, with reference to the village of Port Jervis, in the county of Orange, by inserting the words "one police constable" after the word "clerk," and before the word "three," in the second line thereof.

§ 2. At the first meeting of the trustees of said village, after the passage of this act, they shall appoint a competent person as police constable, who shall hold his office until his successor be elected in the manner prescribed for the election of officers in and by said act hereby amended. Police constable to be appointed.

§ 3. It shall be the duty of the police constable of said village, to serve all papers required by the trustees thereof; to arrest all disorderly persons, or disturbers of the public peace; to see that the rules, regulations and by-laws of the trustees in relation to the police of said village, are duly observed and enforced; to use his endeavors at all times to prevent or quell any and every disturbance, and unlawful proceedings; and such police constable shall have power, without process, to arrest and bring before any justice of the peace of the town in which said village is situated, any person guilty in his presence of violating any rule, regulation or ordinance of said village; and to do whatever the president or trustees may require or direct, in reference to such police, not inconsistent with such office; and he shall receive for his services, such compensation as the trustees shall allow, and the sum so allowed the said trustees shall include in their next assessment roll, without any vote of the inhabitants of said village, and shall cause the same to be collected in the same manner as other taxes of said village. Duty of constable.

§ 4. The members of the different companies composing the fire department of said village shall, annually, and at such time or times, and in such manner as the trustees shall designate, vote for a chief engineer, and for an assistant engineer, and for additional assistant engineers, if the trustees shall deem necessary, and so prescribe; and each person who shall receive the highest number of votes for such offices shall be appointed thereto by said trustees, unless, in their judgment for any cause such appointment shall not be made. In case either of such nominations shall not be ratified by the trustees, they shall order a new election, and at such new election the person thus rejected shall be ineligible, and all votes given for him at such new election shall be void. Fire department. Chief engineer.

§ 5. Such chief engineer shall, under the direction of the trustees, have the general superintendence and custody of all the property and conveniences for the prevention and extinguishment of fires in said village. It shall be his duty to be present at such fires of buildings, and take the com- Duty of chief engineer.

mand of the several fire companies, by whatever name distinguished, and direct and control the movements for the extinguishment of such fires, and he shall also perform such specific duties as shall be prescribed to him by such trustees; and the assistant engineer or engineers shall aid the chief engineer at all fires, and in the absence of the chief engineer, or from incapacity to serve, the duties and powers of the office shall be exercised and performed by such assistants or assistants.

Separate
road district.

§ 6. The village of Port Jervis, in the town of Deerpark, is hereby declared to be a separate road district, and exempted from the superintendence, jurisdiction and charge of the commissioners of highways of said town; and the trustees of said village shall be the exclusive commissioners of highways therein, and they alone, or a majority of them, shall possess and exercise all the powers of commissioners of highways of towns, in repairing, altering, widening, discontinuing, describing and laying out streets and highways in said village, and making assessments of money and labor therefor, within the limits of said village, and in laying out such money and labor for the purpose raised as aforesaid.

Trustees to
have powers
of commis-
sioners of
highways.

§ 7. The trustees of said village shall proceed in the same manner, and with the same powers and under the same instructions, as commissioners of highways of towns, in repairing, altering, widening, discontinuing, describing and laying out streets and highways in said village, and assessing damages therefor.

Superintend-
ent of streets

§ 8. The trustees of said village shall appoint some competent person superintendent of streets, who shall hold office until another is appointed in his stead; and it shall be the duty of such superintendent of streets, to superintend and direct, subject to the control of said trustees, the construction, alteration and repair of the streets, including the crosswalks and sidewalks of said village; to exercise general supervision over the same, and report their condition from time to time to said trustees; and he shall possess all the powers and discharge all the duties that are given and enjoined upon overseers of highways, so far as the same are not inconsistent with this act; and he shall receive for his services such sum as may be fixed by the trustees, not exceeding one dollar and fifty cents per day for services performed, to be paid out of any moneys arising from highway taxes, or that may be appropriated for that specific purpose, in the manner that other appropriations

Compensa-
tion of.

are made and voted by the taxable inhabitants of said village.

§ 9. On apportioning the highway labor to be raised and performed on the streets and highways of said village in each year, the trustees shall use the last assessment roll prepared by the assessors of said village. ^{Highway assessment.}

§ 10. The clerk of said village shall have the powers and perform the duties relating to the streets and highways of said village, as now pertain to the office of town clerk. ^{Clerk.}

§ 11. The act entitled "An act constituting the village of Port Jervis a separate road district," passed April fourteenth, eighteen hundred and fifty-seven, and all acts and parts of acts inconsistent with the provisions hereof, so far as relate to the village of Port Jervis, are hereby repealed.

§ 12. This act shall take effect immediately.

Chap. 106.

AN ACT to provide for the appraisal and payment of canal damages in certain cases.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jurisdiction is hereby conferred on the canal appraisers to take proofs whether damages have been sustained by the claimants for which the state is justly liable, and if so, to make appraisal and award of the claims for damages of Michael Gleason, Patrick Hall, David Hall, Lucinda Wales, George H. Booth, Charles Manahan, and Thomas Connolly, caused by the state in building the embankment to the bridge over the Oswego canal enlargement, at its intersection with Salina street, in Syracuse; and their award shall be subject to appeal by either party to the canal board, the same as in other cases.

§ 2. Such awards, if any, as shall be made under the

provisions of the first section of this act, shall be paid by the treasurer on the warrant of the auditor, out of the moneys appropriated to the Oswego canal enlargement.

§ 3. This act shall take effect immediately.

Chap. 107.

AN ACT to modify the exemption laws in relation to judgments rendered for a claim accruing for work and labor performed in a family as a domestic.

Passed April 7th, 1857.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to extend the exemption of household furniture and working tools from distress for rent, and sale under execution," passed April eleventh, eighteen hundred and forty-two, shall not apply to any judgment rendered for a claim accruing for work and labor performed in a family as a domestic.

§ 2. The act entitled "An act to modify the exemption laws on judgments rendered for a claim accruing for work and labor performed in a family as a domestic," passed April seventh, eighteen hundred and fifty-seven, is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 108.

AN ACT to enable the Supervisor of the town of Easton, in the county of Washington, to borrow money.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of Easton, in the county of Washington, is hereby authorized to borrow on the credit of said town, of the comptroller of the state of New York, or any other person or persons, the sum of three thousand dollars, for the purpose of building, re-building and repairing bridges in said town, and paying the debt already incurred by the commissioners of highways of said town for said purposes; the money borrowed to be paid over by the supervisor to the commissioners of highways of said town, to be expended by them for the purposes above mentioned.

§ 2. The comptroller is hereby authorized to loan said sum to said supervisor out of any moneys belonging to the common school fund, on receiving the security hereinafter specified.

§ 3. The supervisor of said town is authorized to execute his official bond to said comptroller, or to such other person or persons as shall make such loan, conditioned for the payment thereof in two equal annual instalments, with annual interest. In case such loan is made, it shall be the duty of the board of supervisors of the said county of Washington, annually to raise by tax on the taxable property of said town, at the same time the county tax is raised, such sum as shall be sufficient to pay each instalment of said loan as the same shall become due, with the annual interest on the whole sum remaining unpaid, until the whole sum and interest shall be paid; and the amount so annually raised shall be paid to said supervisor, or his successors in office, and shall be applied in payment of said instalments and interest.

§ 4. This act shall take effect immediately.

Chap. 109.

AN ACT to provide for the appointment of Commissioners of Deeds in the village of Saratoga Springs.

Passed April 7th, 1856.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be appointed for the village of Saratoga Springs, six commissioners of deeds, who shall possess the same powers in the county of Saratoga as are conferred by law upon commissioners of deeds for cities, and be entitled to the same fees for services performed by them.

§ 2. The said commissioners of deeds shall be appointed by the trustees of the village of Saratoga Springs, and a certificate of such appointment shall be filed with the clerk of the county of Saratoga, and the oath of office of said commissioners shall be taken before said clerk, and they shall hold their offices for two years and until others shall be appointed in their places.

§ 3. The first appointment made under this act shall be made on or before the first day of May next.

§ 4. This act shall take effect immediately.

Chap. 110.

AN ACT to repeal parts of an act to amend chapter thirteen, part first of the Revised Statutes, entitled of the assessment and collection of taxes, and chapter one hundred and seventy-six of the Laws of eighteen hundred and fifty-one, passed April fifteenth, eighteen hundred and fifty-seven.

Passed April 7th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Sections one and six of chapter five hundred and thirty-six of the laws of eighteen hundred and fifty-seven, are repealed, and that part of section two of the same chapter, which requires special notice to be given in case an assessment roll includes property belonging to a railroad corporation, is also repealed.

§ 2. This act shall take effect immediately.

Chap. 111.

AN ACT to regulate tolls on the Genesee River Plank Road.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Instead of tolls authorized to be demanded Rates of toll. and received on plank roads, as provided in chapter two hundred and forty-five, of the laws of eighteen hundred and

fifty-three, and other acts amending the same, the directors of the Genesee River Plank Road Company are hereby authorized to demand and receive the following rates of toll, viz:

For every vehicle drawn by one animal, one and one half cents per mile; and one cent per mile for each additional animal, except as otherwise provided in this act. For every vehicle used for conveying passengers, drawn by two animals, three cents per mile; and one cent per mile for each additional animal. For every horse rode, led or driven, one cent per mile. For every score of sheep or swine, two cents per mile; and for every score of neat cattle, two and a half cents per mile. For every vehicle loaded with pine or hemlock boards, planks, logs or timber, not exceeding one thousand feet board measure, two and one half cents per mile; and for every vehicle loaded with a greater quantity, the additional rate of five cents per thousand feet per mile, for such additional quantity. For every vehicle loaded with ash, oak, cherry or other hard wood logs, timber or lumber, not exceeding five hundred feet board measure, two and a half cents per mile; and one cent per mile for each additional one hundred feet. For every vehicle loaded with not more than eight thousand shingles, two and a half cents per mile; and one cent per mile for each additional thousand. For every vehicle loaded with staves, not exceeding five hundred (net) in number, two and a half cents per mile; and one cent per mile for each additional hundred.

Logs and
timber.

§ 2. All logs and timber shall be reduced to board measure, according to the calculations contained in Scribner's tables of computation, for determining the quantity contained in round or square timber.

Vehicle loaded
with timber,
&c.

§ 3. The toll gatherer at any gate on said plank road, may require of the person having charge of any vehicle loaded with lumber, timber, or other articles mentioned in this act a certificate of the actual quantity thereof, and on receipt of such certificate, such toll gatherer shall charge and receive toll thereon, as herein provided; but in case of refusal or neglect of such persons to deliver such certificate, said toll gatherer shall estimate, count or measure the quantity of such load, and demand and receive tolls thereon accordingly. Nor shall such person pass such gate until such toll shall have been paid by him. Whenever such person shall desire to pass any other gate on said road with said load, he

may demand, and such toll gatherer when requested shall deliver to him, a certificate of the amount or quantity contained in such load on which toll was charged at such gate; and on delivery by him of such certificate to the toll gatherer at such other gate, toll shall be charged and paid thereon accordingly. But no person, who shall increase his load after passing such first gate, shall attempt to pass such other gate on such certificate from the first toll gatherer.

§ 4. Whoever shall violate any of the provisions or requirements contained in the preceding sections of this act, shall forfeit the sum of ten dollars for each offence, to the said the Genesee River Plank Road Company, to be sued for and recovered with costs of the action, by and in the name of said company, in any court having competent jurisdiction for the use of said company. Penalty for violation, &c.

§ 5. This act shall take effect immediately.

Chap. 112.

AN ACT to amend an act entitled "An act to incorporate the Schenectady County Mutual Insurance Company," passed May twenty-sixth, eighteen hundred and forty-one.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the act entitled "An act to incorporate the Schenectady County Mutual Insurance Company," passed May twenty-sixth, eighteen hundred and forty-one, is hereby amended by striking out the words "county mutual."

§ 2. It shall be lawful for said company to unite a cash capital to any extent, as an additional security to its members, over and above their cash premiums and premium notes; provided, that such cash capital shall not be less than thirty thousand dollars; and which additional cash

capital shall be loaned and invested as provided in the eighth section of the act entitled "An act to provide for the incorporation of insurance companies," passed June twenty-first, eighteen hundred and fifty-three; and the company may allow an interest on such cash capital, and a participation in its profits, and prescribe the liability of the owners thereof to share in the losses of the company in payment of its debts; provided, that such cash capital shall be paid in, and satisfactory evidence of that fact furnished to the comptroller.

§ 3. Said company shall have power to effect re-insurance of any risk or risks taken by them; and on making any insurance, may receive such premium or consideration, under such modification or restrictions, as may be agreed upon between the said corporation and the person or persons agreeing with them for such insurance.

§ 4. This act shall in no wise affect existing contracts or vested rights.

§ 5. This act, and the act incorporating said company, shall continue in force for the term of thirty years from the date of the passage of this act.

§ 6. This act shall take effect immediately.

Chap. 113.

AN ACT to amend the charter of the Sun Mutual Insurance Company, located in the city of New York.

Passed April 7th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sun Mutual Insurance Company located in the city of New York, may invest or loan its funds in upon the security of treasury notes issued, or to be issued by the United States.

§ 2. The said company, in addition to the real estate which it is now authorized to hold for its corporate purposes

poses, may purchase and hold such lands as shall or may be sold under mortgages or judgments held or recovered by it, or as shall or may be taken by it by approval of a majority of the board of trustees, in settlement or satisfaction of any debts or demands due, or to become due, to it, in the course of its legitimate business; but the said company shall sell and convey such last mentioned real estate, within ten years after the same shall have been conveyed to it; and such real estate shall not at any one time exceed in value the sum of fifty thousand dollars.

§ 3. The officers of the said company shall hereafter specify in the yearly general balance statement of its business and assets which it is required to publish, the value of all real estate that shall have been conveyed to it under sales by mortgages or judgments belonging to or held by it, or taken in payment or satisfaction of any debt or demand under the provisions of this act; and at the expiration of every five years hereafter, so long as the said company shall continue to carry on its business of insurance, the said officers shall transmit to the comptroller a statement, verified by the affidavit of the secretary of the company, of all the real estate that the said company shall then hold, and which shall have been taken or conveyed to it in payment or on account of any mortgage, judgment, debt or demand, as aforesaid.

§ 4. This act shall take effect immediately.

Chap. 114.

AN ACT to authorize the Rome and Oswego Road Company to borrow money to rebuild and repair their road, and for other purposes.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Rome and Oswego Road Company is hereby authorized to borrow any sum of money, not exceed-^{Borrow} money.

ing ten thousand dollars, on the credit of such company, the purpose of rebuilding and repairing their road fromwego to Mexico, within the county of Oswego.

Treasurer to
issue bonds.

§ 2. The treasurer of said company is hereby authorized to issue his official bond or bonds, which shall be in nature of a mortgage upon the toll houses, appurtenances and franchises of said company, for such sum or sums of money as shall be determined by the board of directors to be raised under the provisions of this act, bearing an interest not exceeding seven per cent per annum, and payable in such amounts, and at such times and places as the board of directors shall determine by a resolution or resolutions of said board, to be entered on their book of minutes; where bonds shall also set forth the time and place of payment both of principal and interest.

Debts contracted under
this act.

§ 3. The debts which may be contracted under this act and the bonds which may be issued in pursuance thereof shall be a lien upon the toll houses, appurtenances and franchises of said company, until the same shall be paid in full; and upon the non-payment of the money either principal or interest, secured to be paid by said bond or bonds, any of them, according to the terms thereof, the owner or assignee of such bond or bonds, or any of them, may prosecute the same, and obtain from the supreme court an order or judgment thereon, directing the sale of its appurtenances, toll houses and franchises, to pay and satisfy the same; and the purchaser or purchasers of said road on such sale, shall possess all the rights and privileges in respect to the use of said road, and maintaining and constructing the same with the necessary toll houses, gates and other fixtures, as now belong to said company under their charter or the provisions of this act.

§ 4. The sixth section of the charter of said company shall be amended so as to read as follows:

Road to be
constructed
of plank,
timber or
gravel.

The track of said road shall be constructed of timber, plank or gravel, or other hard material, so that the surface shall form a hard and even surface as nearly as the weather and the winter frosts will permit, and be constructed of such width as to permit carriages and other vehicles to conveniently and easily to pass each other, and also so as to permit all carriages to pass on and off said road where such road shall be intersected by other roads. The particular manner of building said road shall be determined by resolution of the board of directors.

§ 5. The inspectors of the Rome and Oswego Road Company who now hold their appointment from the governor, shall remain and be the inspectors of said road; and whenever any vacation shall occur, it shall be the duty, on application by the directors to the judge of the county of Oswego, for him to fill the same by appointment.

§ 6. This act shall take effect immediately.

Chap. 115.

AN ACT to amend an act entitled "An act declaring a part of the Black river a public highway and for other purposes," passed March sixteenth, eighteen hundred and twenty-one.

Passed April 7th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The third section of the act entitled "An act declaring a part of the Black river a public highway, and for other purposes, passed March sixteenth, eighteen hundred and twenty-one, is hereby amended so as to read as follows:

From and after the passage of this act it shall not be lawful for any person to lead, ride or drive any horse, or horses, mule or mules, faster than a walk on or over any bridge which now is or shall hereafter be erected across the Black river, at any point between its mouth and the northeasterly corner of the town of Leyden, in the county of Lewis. Any person violating the provisions of this act shall be liable to a penalty, for each offence, of ten dollars, to be recovered in any court having cognizance thereof, in the name of the commissioners of highways of either of the towns which are bound to maintain any such bridge, and it shall be the duty of any such commissioners upon the complaint of any person in writing, stating that

such offence has been committed, to immediately prosecute such offender, one half of said penalty when collected shall be applied by such commissioners to keep such bridge in repair. The other half shall be paid by said commissioners to the person making such complaint, or to the trustees of the school district in which the action shall be brought, to be applied by such trustees to school purposes, as shall be determined by the court in which said action is brought. Provided, however, that the said commissioners shall, at the expense of the said towns, put up and continue on each end of said bridge a printed notice of such penalty.

§ 2. The owner of any horse or horses, mule or mules, led or driven or ridden on or across or over any such bridge, by any agent or servant of the owner thereof, contrary to the provisions of this act, shall be liable to the penalty aforesaid.

§ 3. This act shall take effect immediately.

Chap. 116.

AN ACT to amend an act entitled "An act to amend an act to incorporate the Brooklyn City Hospital," passed May eighth, eighteen hundred and forty-five.

Passed April 7th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In addition to the powers now conferred, shall be lawful for the Brooklyn city hospital to receive any gift, devise or bequest, charged with one, or more, less, estates or life annuity, or a term of years, in which the reversion shall go to the said hospital for the use of said hospital, provided that no person leaving a wife and child or parent shall devise or bequeath to such hospital more than one fourth of his or her estate after the payment of his or her debts, and such devise or bequest shall be va-

to the extent of such one fourth; and on the receipt of any such gift or bequest, the trustees of said hospital shall cause the same to be invested on bond and mortgage on unencumbered real estate within the state of New York, worth at least double the sum so loaned thereon; and the interest and income of such investment shall be paid to the party or parties entitled thereto according to the terms of such gift or bequest.

§ 2. All investments of moneys received by said hospital, shall be at the sole risk of said corporation; and for all losses of such moneys, the estate and effects of the said corporation shall be absolutely liable.

§ 3. During the month of January in each year, the trustees of the hospital, by their proper officers, shall make a full statement of all such gifts, devises or bequests, in such form as one of the justices of the supreme court in the second judicial district shall direct, and present such statement, duly verified, to any one of the justices of the supreme court in said second judicial district; such justice, should he deem it proper, may refer such statement to a referee to make full and thorough investigation into the affairs and management of such gifts, devises and bequests, and report his opinion in relation to the prudence and safety of the investment; the expense of every investigation so made shall be defrayed by the hospital.

§ 4. All such statements, investigations and reports, shall be filed in the office of the clerk of the county of Kings, accompanied by such approval, recommendations or alterations in the investments, as the said justice may make; and the said hospital shall obey all such orders or directions as the said justice may make, in relation to said investments.

Chap. 117.

AN ACT to enable the Supervisor of the town of Greenwich, in the county of Washington to borrow money.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of Greenwich, in the county of Washington, is hereby authorized to borrow on the credit of said town, of the comptroller of the state of New York, or any other person or persons, the sum of two thousand dollars, for the purpose of building, rebuilding and repairing bridges in said town, and paying the debt already incurred by the commissioners of highways of said town for said purposes. The money borrowed to be paid over by the supervisor to the commissioners of highways of said town, to be expended by them for the purposes above mentioned.

§ 2. The comptroller is hereby authorized to loan said sum to said supervisor out of any moneys belonging to the common school fund, on receiving the security hereinabove specified.

§ 3. The supervisor of said town is authorized to execute his official bond to said comptroller, or to such other person or persons as shall make such loan, conditioned for payment thereof in two equal annual instalments, with annual interest. In case such loan is made, it shall be the duty of the board of supervisors of the said county of Washington, annually to raise by tax, on the taxable property of said town, at the same time the county tax is raised, such sum as shall be sufficient to pay each instalment of said loan as the same shall become due, with the annual interest on the whole sum remaining unpaid, until the whole sum and interest shall be paid. And the amount so annually raised shall be paid to said supervisor, or his successors in office and shall be applied in payment of said instalments and interest.

§ 4. This act shall take effect immediately.

Chap. 118.

AN ACT to incorporate the Southold Savings Bank.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Moses C. Cleveland, William H. Wells, John S. Howell, Joseph H. Goldsmith, Rensselaer T. Goldsmith, James E. Horton, Ezra L. Goldsmith, Nathaniel Corwin, Henry Hutting, Albert Albertson, Franklin H. Overton, Alvah S. Mulford, David L. Horton, Hutchinson H. Case, Theron B. Worth, Henry H. Terry, Israel Peck, Ira B. Tuthill, Henry Pike, Thomas J. Conklin, Jeremiah Goldsmith, and their successors, are constituted and created a body corporate and politic, by the name of "The Southold Savings Bank," and by that name shall have perpetual succession, and may sue and be sued in any court whatever; and said institution shall be located in Southold, Suffolk county.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

1. Such as shall or may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees, obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purposes; and all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatever, except in cases where it is authorized to do so by the terms of this act, and

Body corporate.

Real estate to be held.

except such personal property as may be required for its immediate accommodation for the convenient transaction of its business.

§ 3. The trustees of said corporation shall not, as such, directly or indirectly, receive any payment or emolument for their services.

Trustees.

§ 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice presidents, and such other officers as they may see fit; eight of the trustees, of whom the president or one of the vice presidents shall be one, shall form a quorum for the transaction of business, and the affirmative vote of a majority of members present at a meeting, of the board and in all cases at least seven members shall be requisite in making an order for or authorizing the investment of any moneys of the corporation in the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

Trustees
how to fill
vacancies,
&c.

§ 5. The persons named in the first section of this chapter shall be the first trustees of the said corporation, and all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least eleven votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in three months, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for nine months in succession, may thereupon, at the election of said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

General
business.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor, by tradesmen, clerks, mechanics, laborers, minors, servants, and others, and investing the same in the securities or stocks of the state of New York, or of the United States, or in the stocks or bonds of the counties of Suffolk, Queens and Kings, and cities of New York and Brooklyn, or of the town of Southold, authorized to be issued by the legislature of the

state; or to loan the same on the securities of the said stocks or bonds, and also upon bonds secured by mortgage on improved, productive unincumbered real estate located within this state, worth at least double the amount to be secured thereby, exclusive of buildings; but no loan upon bond and mortgage, of a larger sum than five thousand dollars, shall be made, or in such other manner as is authorized by this act for the use, interest and advantage of the said depositors and their legal representatives. And the said corporation shall receive on deposit all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall as soon as practicable be invested accordingly, and shall be repaid to such depositors when required, at such times, and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to effect any deposit previously made. No president, vice president, trustee, officer or servant of said corporation, shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same, or any part thereof, except to pay necessary expenses under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officer of such corporation, shall be as binding on said corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation, to regulate the rate of interest to be allowed to the depositors, so that they shall receive as near as possible a ratable portion of all the profits of the said corporation, after deducting all necessary expenses. In all cases of loans upon real estate, a sufficient bond, or other satisfactory personal security, shall be required of the borrower, and all the expenses of searches, examinations, and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation, to invest as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided in this act, all sums received by them beyond an available fund of not exceeding twenty-five thousand dollars, which they may keep to meet the current payments of said corporation, and which may by them be

Business.

Officers not
to borrow
money.Trustees to
invest, &c.

kept on deposit, on interest or otherwise, in such available form as the trustees may direct.

Power of
trustees.

§ 7. The board of trustees of the said corporation shall have power from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the regulations of the times of meetings of the officers and trustees, and generally for transacting, managing and directing the affairs of the corporation, provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this state, or of the United States.

Subordinate
officers.

§ 8. The board of directors may appoint such subordinate officers and agents of the said corporation as they may deem necessary, who shall give such security respectively, for their fidelity and good conduct, as the board of trustees may from time to time require, and said board shall fix the salaries of such officers and agents.

Books to be
open, &c.

§ 9. The books of the said corporation shall at all times during their hours of business, be open for inspection and examination to the comptroller of this state, and such other persons as the legislature or the comptroller shall designate or appoint as their agents for that purpose. Whenever an agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the comptroller shall certify to be reasonable and just.

Deposits.

§ 10. Whenever any deposit shall be made by any minor, the trustees of said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed to such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. And when any deposit shall be made by any female, being, or thereafter becoming a married woman, the said corporation, may, in their discretion, pay to such last mentioned depositor, such sum as may be due to such female, and the receipt or acquittance of such female shall be a sufficient discharge to said corporation.

Report to
bank super-
intendent.

§ 11. The board of trustees shall, on or before the twenty-fifth day of January, and twenty-fifth day of July, in each

year, make such report to the bank superintendent as is required by law, and shall be subject to all the provisions and requirements of the act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

§ 12. The supreme court may at any time, on the application of any trustee or depositor in said corporation upon reasonable notice to said corporation, or to those who may be affected thereby, of such intended application, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons; and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons, and the court may confer such further powers on the person or persons so appointed, as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, who, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may upon proper notice to such person and affording him an opportunity to be heard in his defense, remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation as the court shall deem expedient.

Supreme
court, power
of.

Books to be
subject to
examina-
tion.

§ 13. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are, or may be applicable.

§ 14. This act shall take effect immediately.

Chap. 119.

AN ACT to amend an act entitled "An act to found a State Woman's Hospital," passed April eighteenth, eighteen hundred and fifty-seven.

Passed April 7th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to found a State Woman's Hospital," is hereby amended to read as follows:

Peter Cooper, Benjamin F. Butler, George F. Trimble, Robert B. Minturn, and their associates, as hereinafter provided for, shall constitute a body corporate, with power to establish, maintain and conduct a hospital in the city of New York, for the treatment of the diseases peculiar to women, and for the maintainance of a lying-in hospital, which shall be known and designated as the Woman's Hospital in the state of New York.

§ 2. The sixth section of the act hereby amended, is repealed.

§ 3. The eighth section of said act hereby amended to read as follows:

Not less than eleven governors shall constitute a quorum for the purposes of electing officers, making by-laws, or for holding any special meeting, but for all other purposes, and at stated meetings, seven shall be a quorum.

§ 4. This act shall take effect immediately.

Chap. 120.

AN ACT fixing certain fees of the Sheriff of the county of Rensselaer.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be allowed to the sheriff of the county of Rensselaer, for services as jailor, receiving and discharging prisoners, and for statements and certificates of convictions, five hundred dollars, in lieu of all fees or compensation heretofore allowed for such services; for conveying a single convict to the house of refuge, in the city of New York, including all expenses, twenty-five dollars; for conveying two convicts, including all expenses, thirty-five dollars, and for every additional convict, including all expenses, five dollars.

§ 2. All laws relative to fees for the services mentioned in the foregoing section, are hereby repealed, so far as they apply to the sheriff of the county of Rensselaer.

§ 3. This act shall take effect immediately.

Chap. 121.

AN ACT to declare the Buffalo and Lake Huron Railway Company a corporation under and by virtue of "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amending the same.

Passed April 7th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Buffalo and Lake Huron Railway Company is hereby declared to be a corporation under and by virtue of the act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory to said act, in the same manner as if said company had been organized under and pursuant to the provisions of said act and had filed and recorded its articles of association in the office of the secretary of state, and the said company shall have and possess all the powers, rights and privileges and be subject to all the duties, liabilities and provisions granted and imposed by the terms of said act, and in the same manner and as fully as if incorporated pursuant to its provisions.

§ 2. Nothing in this act shall be construed so as to enable the said corporation to construct a railroad across the main street of the city of Buffalo.

Chap. 122.

AN ACT to amend an act entitled "An act in relation to the support of the poor in Jefferson county," passed April twelfth, eighteen hundred and fifty-two.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act in relation to the support of the poor in Jefferson county," passed April twelfth, eighteen hundred and fifty-two, is hereby amended so as to read as follows:

§ 1. There shall hereafter be elected but one overseer of the poor in each town in the county of Jefferson, and the powers and duties of overseers of the poor are hereby conferred upon the supervisor and such overseer of the poor of the respective towns in said county, except in the town of Watertown, where the overseer of the poor shall discharge all the duties of overseer of the poor conferred by this act, with the restrictions hereinafter provided; and the supervisor and overseer of the poor of the other towns in said county, shall exercise the powers and discharge the duties aforesaid, and shall be subject to all the liabilities and penalties that overseers of the poor are now by law subject to.

Overseer of
poor in
towns.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. It shall be the duty of the supervisor and overseer of the poor in the several towns of said county, to grant all the temporary relief to the poor and indigent persons in their respective towns. The superintendent or superintendents of the poor shall from time to time advance to each supervisor, such sum of money as he shall deem proper, to be expended by such supervisor and overseer of the poor for the relief of poor and indigent persons; but the money so advanced to and remaining in the hands of the supervisor, shall not exceed in amount such sum as may be fixed for each town by the board of supervisors; and it shall be

Supervisor
and over-
seer's duty.

the duty of each supervisor and the overseer of the poor, to enter in a book kept by each of them for that purpose, the name, age and sex, of every person by him relieved, together with an account of all sums of money expended, the items of expenditure in the relief of each poor or indigent person, and the cause of poverty or indigency in each case, as far as can be ascertained. It shall be the duty of the overseer of the poor, to furnish to the supervisor of the town a copy of all the entries in the book provided to be kept by such overseer, for the year ending on the first day of November in each year, during the week preceding the annual meeting of the board of supervisors; and it shall also be the duty of each supervisor to deliver such copy of the entries furnished him by such overseer, and a copy of all the entries in the book aforesaid required to be kept by him, for the year ending on the first day of November of each year, to the clerk of the board of supervisors, on or before the first day of the annual meeting of said board in each year; and each supervisor and overseer of poor, for all the services rendered in the discharge of their official duties respectively as aforesaid, shall receive the same rate of compensation per day while in actual service, as is now provided by law for such officers respectively while in the discharge of their services as town officers, or twenty-five cents for every order made in the discharge of their official duties respectively under this act; provided, that they shall in no case receive more for all orders made or services rendered in one day, than the per diem compensation above provided, and that in no case shall the amount charged by supervisors for official services in disbursing supplies, exceed eight per cent of the cost of such supplies. No overseer of the poor shall expend for the relief of any one poor person or family, a sum exceeding five dollars, without first obtaining the written authority of the supervisor of the town; and in such case, not exceeding the amount limited in such written authority. The overseer of the poor of the town of Watertown, in said county, shall, instead of a per diem compensation, or any allowance for drawing any order, as hereinbefore provided, receive a salary of three hundred dollars per year; and the superintendent of the poor shall give written authority to such poor master to expend a sum exceeding five dollars for any one poor person or family, and all orders for medical or surgical services that may be necessary.

Ibid.

Ibid.

§ 3. Section ten of said act is hereby amended so as to read as follows:

§ 10. The board of supervisors of said county shall have power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services, for the poor at the poor house, and in such towns as such board may deem advisable. And the supervisors of the respective towns shall have power to make contracts with physicians and surgeons to furnish medicines, and medical and surgical services, for the poor and indigent persons that may be relieved in that town; provided, that in no case shall it exceed the tariff of prices that may be established by the board of supervisors. No overseer of the poor shall have power to grant medical or surgical relief for any poor or indigent person at the expense of the county, without the written order or authority of supervisors of the town; and in such case, not to an amount exceeding the sum limited in such written order or authority.

§ 4. This act shall take effect immediately.

Chap. 123.

AN ACT to amend section one of title three, and section three of title five, and sections six and seven of title seven, of the several acts relating to the village of Binghamton, passed April twelfth, eighteen hundred and fifty-three, with amendments passed March twenty-fourth, eighteen hundred and fifty-five.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title three of said act, is hereby amended so as to read as follows:

President of
village.

§ 1. The president of the village shall be the presiding officer of the board of trustees; and on filing a certificate of his election and oath of office in the office of the county clerk of Broome county, shall have the same power and authority to administer oaths, take affidavits, and the proof and acknowledgment of deeds and other instruments, with which justices of the peace in towns are now invested by law. It shall be his duty to call special meetings whenever he shall think proper, receive complaints of any breach of the by-laws, rules, regulations and ordinances, and see that the same are faithfully executed, and recommend to the board such measures as he shall think necessary and expedient. In case of his absence from the village, or his inability to perform the duties of his office, the board of trustees shall appoint by ballot one of their own number as chairman, who shall during such absence or inability, be vested with the powers and duties of the president, except he shall not have power to administer oaths, and take affidavits, and the proof and acknowledgment of deeds and other instruments.

§ 2. The third section of title five of said acts, is hereby amended so as to read as follows:

Moneys
raised for
highway
purposes.

§ 3. All moneys or taxes raised for highway purposes, shall be expended by the trustees, and the street commissioner under the direction of the trustees, in working and improving the roads, and in working, improving and lighting the streets, lanes and alleys of the respective wards in which the persons assessed shall reside at the time the assessment shall have been made, except such highway taxes as are assessed on incorporated companies, banks and banking associations, which last mentioned highway taxes shall be expended by the said trustees, and the street commissioners under the direction of the trustees, in working, improving and clearing any road, and in working, improving and lighting any street, lane and alley in said village, and paying for the services of said commissioner.

§ 3. The sixth and seventh sections of title seven of said acts, are hereby amended so as to read as follows:

Fire depart-
ment.

§ 6. The members of the fire department shall meet annually on the first Monday of February, at some suitable place to be designated, at which meeting the president or some one of the trustees shall preside, and shall then and there elect by ballot a chief engineer and two assistant engineers (to be designated as first and second assistant

engineers), a clerk and treasurer of the fire department, whose election shall be subject to the approval of the board of trustees, and may be removed by said trustees, for incapacity, neglect of duty or misconduct. In case the said board shall disapprove of such election, they shall order another at such time and place as they deem proper.

§ 7. The chief engineer and assistant engineers shall <sup>Chief engi-
neer.</sup> have the direction and control of the fire department, subject to the by-laws and regulations of the board of trustees, and every member of the fire department, or any other person, who shall during the time of any fire refuse or neglect to obey the order of such chief engineer or assistant engineers, shall forfeit for each offence such penalty as shall be provided by the by-laws of the board of trustees, not exceeding five dollars; and said chief engineer and assistant engineers shall perform such duties of the fire department as may be required by the by-laws of the board of trustees.

Chap. 124.

AN ACT in relation to the election of Superintendents of the Poor and Coroners in the county of Kings.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county of Kings, for the election of superintendents of the poor, is hereby divided into five ^{Districts} districts, from each of which a superintendent of the poor shall hereafter be chosen by the electors of said county at large, who shall be at the time of his election, and continue during the term of his office, a resident of the district from which he is elected; and in case of his removal from such district, his office shall be deemed vacant.

Bounds of
districts.

§ 2. The first district shall consist of the first, third, sixth, eighth, tenth and twelfth wards of the city of Brooklyn; the second district, of the second, fourth, fifth, seventh, ninth, eleventh and nineteenth wards of said city; the third district, of the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth wards of said city; the fourth district, of the towns of Flatbush, New Lots and Flatlands; and the fifth district, of the towns of New Utrecht and Gravesend.

Superinten-
dent of poor
to be elected.

§ 3. At the general election in the year eighteen hundred and fifty-eight, a superintendent of the poor, from the fourth district, shall be elected by the electors of said county at large, in place of James Voorhees (whose term of office expires on the first day of January, eighteen hundred and fifty-nine), who shall hold his office for three years, from said first day of January, eighteen hundred and fifty-nine, and his successor shall be elected in like manner every third year thereafter, and hold for a similar period.

Election.

§ 4. At the general election in the year eighteen hundred and fifty-nine, a superintendent of the poor, from the third district, shall be elected by the electors of said county at large, in place of Henry E. Ripley, and one for the fifth district, in place of Charles W. Church (whose respective terms of office expire on the first day of January, eighteen hundred and sixty), who shall hold their offices for three years, from the said first day of January, eighteen hundred and sixty, and their successors shall be elected in like manner every third year thereafter, and shall hold for a similar period.

Ibid.

§ 5. At the general election in eighteen hundred and sixty, a superintendent of the poor, from the first district, and also one from the second district, shall be elected by the electors of said county at large, in place of Barnabas H. Booth and John J. White (whose respective terms of office expire on the first day of January, eighteen hundred and sixty-one), who shall hold their offices three years from the said first day of January, eighteen hundred and sixty-one, and their successors shall be elected in like manner every third year thereafter, and hold for a similar period.

§ 6. The county of Kings, for the purpose of the election of coroners, is hereby divided into four districts, from each of which a coroner shall hereafter be chosen by the electors of said county at large, who shall be at the time of his election, and continue during the term of his office, a resident of the district from which he is selected, and in case of his removal from such district, his office shall be deemed vacant.

§ 7. The first district shall consist of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth wards of the city of Brooklyn; the second district of the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth wards of said city; the third district, of the towns of Flatbush, New Lots and Flatlands, and the fourth district of the towns of New Utrecht and Gravesend.

§ 8. At the general election in the year eighteen hundred and fifty-eight, a coroner from the fourth district shall be elected by the electors of said county at large, in place of George I. Lott (whose term of office expires on the first day of January, eighteen hundred and fifty-nine), who shall hold his office for three years from the said first day of January, eighteen hundred and fifty-nine, and his successor shall be elected in like manner every third year thereafter, and hold for a similar period. Coroner, &c.

§ 9. At the general election in the year eighteen hundred and fifty-nine, a coroner, from the second district, shall be elected by the electors of said county at large, in place of Isaac K. Snell (whose term of office expires on the first day of January, eighteen hundred and sixty), who shall hold his office for three years from said first day of January, eighteen hundred and sixty, and his successor shall be elected every third year thereafter, and hold for a similar period.

§ 10. At the general election in the year eighteen hundred and sixty, a coroner, from the first district, shall be elected by the electors of said county at large, in place of Cornelius Cozine, and one from the third district, shall be elected by the electors of said county at large, in place of Winant E. Bennet (whose respective terms of office expire on the first day of January, eighteen hundred and sixty-one), who shall hold their offices for three years from said first day of January, eighteen hundred and sixty-one, and their successors shall be elected in like manner every third year thereafter, and hold for a similar period.

§ 11. No coroner in the county of Kings shall have authority to act in any district established by this act, except the one in which he resided at the time of his election as such coroner; provided, nevertheless, in case of death, removal from office, or neglect of any coroner in said county to discharge his duties within his district, it shall then be lawful, upon application in writing to any coroner in said county, setting forth such death, removal or neglect, from

any resident of said district, for either of the other coroners in said county, to hold inquests in such district, the same as if this law had not passed.

§ 12. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

§ 13. This act shall take effect immediately.

Chap. 125.

AN ACT in relation to Sleeping Cars on Railroads.

Passed April 7th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any patentee of a sleeping car, or his legal representative, may place his car upon any rail road of this state, with the assent of the company owning such road. Such patentee, or his legal representative, may charge for the use of said car, in all cases, to each passenger occupying the same, forty cents, which sum shall entitle such passenger to the use of a berth for one hundred miles; and the said patentee, or his legal representative, may charge at and after the rate of three mills for every additional mile, but in no case shall the charge exceed eighty cents.

§ 2. The rail road companies permitting the use of such cars, shall, nevertheless, keep sufficient first class cars of other kinds, for the convenient use and occupation of all passengers not wishing to use a sleeping car. And the tickets issued for the use of the sleeping cars, shall have plainly written or printed thereon, "sleeping car," and all persons using a sleeping car shall be furnished with such tickets.

§ 3. No rail road corporation shall be interested in the additional sum paid for the use of berths in sleeping cars, pursuant to the provisions of this act.

§ 4. Nothing in this act contained shall be so construed as to exonerate any rail road company from the payment of

damages for injuries, in the same way and to the same extent they would be required to do by law, if such cars were owned and provided by the company.

§ 5. The legislature may alter, amend or repeal this act.

§ 6. This act shall take effect immediately.

Chap. 126.

AN ACT to extend the time for the payment of taxes in the city of Albany.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the payment of taxes in the city of Albany is hereby extended to the fifteenth day of April instant, without interest or additional charge upon the amount of such taxes.

§ 2. Any tax remaining unpaid on the fifteenth day of April instant, shall be charged by the receiver with interest at the rate of twelve per cent per annum, from the first day of February, eighteen hundred and fifty-eight, until paid.

§ 3. If any tax shall remain unpaid on the fifteenth day of April instant, the said receiver shall immediately thereafter cause notice in writing to be given to every person residing in said city, or transacting business therein, from whom the same shall be due, specifying therein the amount of such tax, and the percentage or interest which shall accrue thereon, and requiring such person to pay the same to the said receiver on or before the first day of May next, at his office. The said receiver shall also immediately after the said fifteenth day of April instant, cause a notice to be published in three daily newspapers of the said city, at least ten days, requiring all persons to pay their unpaid taxes to the said receiver at his office, on or before the first day of May next.

§ 4. The receiver of taxes shall file affidavit of the service of such notice, and the publication of the same; and if

any taxes shall remain unpaid on the second day of May next, it shall be the duty of the receiver to comply with the provisions now existing, and to issue his warrant for the collection of such unpaid taxes and interest, in the same manner provided by the acts for the assessment and collection of taxes in the city of Albany now in force; and the sheriff, constable or marshall, is hereby required to proceed and collect such unpaid taxes in the same manner as directed by said acts.

§ 5. This act shall take effect immediately.

Chap. 127.

AN ACT to amend the charter of the village of Saratoga Springs.

Passed April 7th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees to
levy tax.

SECTION 1. The trustees of said village are hereby authorized to levy and collect by tax, upon the taxable property in said village, the sum of one thousand five hundred dollars in the year eighteen hundred and fifty-eight, and one thousand dollars in eighteen hundred and fifty-nine, for the purpose of paying the present indebtedness of said village, on account of the fire department thereof.

Trustees to
borrow
money.

§ 2. In order to meet the debts now due for the waterworks, the trustees are hereby authorized to borrow, on the credit of said village, the sum of three thousand dollars, and to issue corporation bonds therefor, bearing interest not exceeding seven per cent per annum, and redeemable in three equal annual payments in the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, and eighteen hundred and sixty-four, payable from the revenues to be derived from the waterworks.

To borrow
money.

§ 3. For the purpose of paying the debts now due and owing for the fire department, the trustees are authorized

to borrow, on the credit of said village, the further sum of two thousand five hundred dollars, and to issue corporation bonds therefor, bearing interest at a rate not exceeding seven per cent per annum, redeemable as follows: one thousand five hundred dollars on the first day of September, eighteen hundred and fifty-eight, and one thousand dollars on the first day of September, eighteen hundred and fifty-nine, and payable from the tax authorized by the first section of this act.

§ 4. The tax authorized by the first section of this act ^{Tax.} shall be levied and collected at the same time and in the same manner as the present village tax is now authorized to be collected.

§ 5. All transient and non-resident merchants, and shop-keepers of every description, all traveling non-resident and itinerant hawkers and pedlers of goods, wares and merchandise (excepting those licensed by the state), and all transient and non-resident livery stable keepers, or persons keeping horses and carriages for hire, doing business in the village of Saratoga Springs, shall be taxed without reference to the value of the property they may own, for the purpose of defraying the incidental expenses of the said village. The board of trustees of said village shall have power to fix the tax to be paid from time to time, not exceeding seven dollars per annum from any one person or establishment, and to license the same when the tax is paid. They shall have power to prescribe the time for which the license is to run, and the mode and manner of collecting the tax, by penalties or otherwise, against all and every person or persons engaged in the business, whether as principal, clerk or agent, but said tax shall not be levied upon any person or persons wholesaling goods by sample in said village. <sup>Pedlers, &c.
to be taxed.</sup>

§ 6. The eighth section of the act entitled "An act to amend the charter of the village of Saratoga Springs," passed April fourteenth, eighteen hundred and fifty-one, is hereby repealed.

§ 7. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 128.

AN ACT for the relief of Allen Cook.

Passed April 8th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer, on the warrant of the auditor of the canal department, is hereby directed to pay to Allen Cook, out of any moneys appropriated, or to be appropriated for canal repairs, the sum of five hundred dollars, being the payment for damages sustained by him for all injuries received by him while in the employ of the state in repairing a lock at Lyons, Wayne county, on or about the twenty-seventh day of October, eighteen hundred and fifty-six.

§ 2. This act shall take effect immediately.

Chap. 129.

AN ACT to improve the discipline and promote the efficiency of the Military forces of the state.

Passed April 8th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Instructor.

SECTION 1. In each of the military divisions there shall be one instructor of artillery, and one of cavalry, with the rank of colonel. These instructors shall be appointed by the governor, be attached to the head-quarters, of division, and hold office by the same tenure as commissioned officers of the line.

§ 2. No person shall be appointed an instructor of artillery, cavalry, or shall hereafter be commissioned a division engineer, who shall not have passed a favorable examination as to his general qualifications and knowledge of his special arm, before a board of not less than five officers, which board shall be convened by the commander-in-chief as occasion may require. ^{Instructor to be examined}

§ 3. It shall be the duty of the instructors of artillery cavalry, and the division engineers, to attend all division and brigade parades, encampments and drill for the improvement and instruction of their respective corps: to instruct the artillery, cavalry, and engineer soldiers in the duties of their several arms.

§ 4. On all such parades, encampments and drills for instruction, the flank companies, sections of light artillery or engineers, not doing duty in the arm of the battalion, shall be detached and placed under the command of the proper instructor for the purpose of drill and discipline in their special service, subject, nevertheless, to the general authority of the officer present and commanding the division or brigade.

§ 5. The officer ordering any division or brigade parade or encampment for drill and discipline, shall notify the instructors (and the division engineers shall be considered instructors wherever the same are mentioned in this act) of the same; and in case of the non-attendance of these instructors shall report the fact to the adjutant general (whose duty it shall be to require an excuse, in writing, for such delinquency). These instructors shall be liable to be fined for non-attendance, not less than ten dollars for each absence, pursuant to section nine.

§ 6. In the several divisions the instructors therein shall keep rosters of all the subordinate commissioned officers in their respective arms.

§ 7. The commandants of every company or section of artillery, troop of cavalry, and the engineer of each regiment where there are sappers and miners, shall, on the first day of December in every year, and at such other times as may be required, make a return of the state of the ordnance, implements, arms, equipments and of the strength and condition of his command, to the proper instructor. And it shall be the duty of the instructors to transmit a copy of the consolidated return of the same to the adjutant general,

and a duplicate to the commandant of division, on or before the fifteenth day of December following.

§ 8. The chiefs of staff in each division, brigade and regiment shall, on or before the first day of November in each year, return to the commandants of division and brigade respectively, the names of all commissioned officers absent from any parade, encampment or drill which they shall be required by law to attend. Within ten days after the receipt of such returns the respective commandants of division or brigade as the case may be, shall order a court martial, to consist of three commissioned officers without regard to rank, to pass upon such delinquency.

§ 9. And it shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless in the discretion of the officer ordering the court, but the delinquent may be fined, pursuant to sub-division two, section thirty-two, article three, title seven of the militia law: provided notice of the return and of the time appointed for holding the court martial shall have been delivered to him, or left at his usual place of abode, at least ten days before the assembling of said court.

§ 10. The court may excuse any delinquent for good cause shown.

§ 11. Any fine for offences against the by-laws of an uniform company, or of regimental boards, not exceeding the sum of twenty-five dollars, a certified return of which has been made to any regimental court martial or court of appeal, may be enforced by such court, due notice to the delinquent and proceeding being had therein; and further provided, that a certified copy of such by-laws shall be filed with the commandant of the regiment to which the company may belong, and any changes in the same shall be immediately notified to said commandant.

§ 12. Any commissioned officer, non-commissioned, staff officer or musician may, in addition to the manner now provided by law, be warned to attend any parade, encampment or drill, by enclosing a notice by mail, at least ten days prior to the service required of him.

Term of service.

§ 13. The term of service necessary to exempt a commissioned officer from military duty shall be seven years.

Rules and regulations.

§ 14. The rules and regulations prepared by a board of officers under section one of title nine of the militia laws, having received the approval of the commander-in-chief,

are hereby made part of the acts for the government of the military forces.

§ 15. It shall be the duty of the inspector general to visit and inspect every arsenal and armory, in which the arms or other military property of the state may be deposited, as often as once in two years. And the said inspector general shall, in his annual report, render a particular account of the state of these arsenals and armories, and of the public property contained in them.

Duty of
inspector
general.

§ 16. The commandants of regiments may appoint ordnance sergeants as keepers of armories, not exceeding one to each armory, who shall be under the authority and hold office during the pleasure of the commandant; such ordnance sergeants shall be paid as now provided for keepers of arsenals.

Keepers of
armories.

§ 17. No person belonging to the military forces shall be arrested on any civil process, while going to, remaining at, or returning from any place, at which he may be required to attend, for elections of officers or other military duty.

Persons not
to be ar-
rested, &c.

§ 18. Any person who shall purchase, retain or have in his custody or possession, without right, any military property belonging to this state, marked as or known to him to be such, and who shall, after proper demand, refuse to deliver the same to any officer entitled to the possession thereof, shall be liable to an action for the recovery of the possession of such military property and of a penalty of not less than ten nor more than one hundred dollars.

Military
property.

§ 19. Any person belonging to the military forces who shall, contrary to the lawful order of the proper officer, retain in his possession or control, any military property of this state, shall be liable to an action to recover the possession thereof, and to pay a fine of not less than ten nor more than one hundred dollars, and shall also be deemed guilty of a misdemeanor. And any commanding officer may take possession of them, or of those mentioned in the preceding section, wherever the same may be found.

§ 20. Actions to recover the possession of military property, and the amount of any fine or penalty under the two preceding sections, may be brought by any officer entitled to the possession of such property, in any court of competent jurisdiction; and such fine or penalty, together with all other fines and penalties prescribed by this act, and by chapter three hundred and ninety-eight of the session laws of eighteen hundred and fifty-four, shall be paid to the

To recover
military
property.

treasurer of the county where the offender may reside, for the benefit of the military fund of the regiment located therein. The possession of any military property and the amount of a fine or penalty may be recovered in the same action. Proceedings at law shall not preclude the punishment of any military person in the military courts.

Pass toll
gates free.

§ 21. Any person belonging to the military forces of the state going to, or returning from any parade, encampment, drill or meeting which he may be required by law to attend, shall, together with his conveyance and the military property of the state, be allowed to pass free through all toll-gates, over toll-bridges and ferries.

Law of 1854
amended.

§ 22. Section ten of article one of title three of chapter three hundred and ninety-eight of the session laws of eighteen hundred and fifty-four is hereby amended by inserting the words "or collector" after the word "assessor" in the first line of said section, and also after the word "assessor" where it next occurs in said section insert the words "or collector."

Command-
ants of divi-
sions to issue
orders, &c.

§ 23. The commandant of each division, in an order to be issued before the first day of June in each year, may designate the time and place at which the annual parades or encampments in the several brigade districts in his division district are to be held: and shall, with the division staff, attend such parade or encampment in each of such brigade districts once in every two years.

Division
parades.

§ 24. The commandants of division shall discharge the duties, possess the powers, and be liable to the penalties pertaining to their office, as granted by law or military custom: Provided, that no division parades, except of the first division, or in case of invasion, insurrection, or to aid the civil authorities, shall be ordered without the consent of the commander-in-chief.

Order drills,
&c.

§ 25. The commandants of division may order drills of all or any part of the officers, non-commissioned officers, and musicians of their respective divisions for a period not exceeding two consecutive days, and at such drills they shall take command as principal instructors.

§ 26. The commander-in-chief may order such parades, encampments or drills of the uniformed troops, or any part of them, as he shall deem proper.

§ 27. Actions to recover penalties prescribed by chapter three hundred and ninety-eight of the laws of eighteen hundred and fifty-four may be maintained in any county

court and in any other court of competent jurisdiction, on the complaint of any commissioned officer of the military forces : or in the manner now provided by law.

§ 28. All acts or parts of acts, inconsistent with this act are hereby repealed.

§ 29. This act shall take effect immediately.

Chap. 130.

AN ACT to organize the State Lunatic Asylum for Insane Convicts.

Passed April 8th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The building now being erected on the prison grounds at Auburn, for an asylum for insane convicts, shall be known and designated as the State Lunatic Asylum for Insane Convicts.

§ 2. The inspectors of state prisons shall, at the first quarterly meeting of their board, at the Auburn prison, after the passage of this act, appoint a medical superintendent for said asylum, who shall, under the direction of the said inspectors, have the charge of said asylum, and shall make all the purchases for the support of said asylum, and shall account for all moneys coming to his hand in the same manner as the agent and warden of any of the state prisons are now required by law to account. Inspectors to appoint a medical superintendent.

§ 3. The said medical superintendent shall reside in the building, and shall devote all the time necessary, to the cure and treatment of those confined therein for treatment. Superintendent to reside in the building. He shall receive a salary of one thousand dollars per annum, payable monthly, and shall be allowed rations for himself and family, and all necessary fuel and lights for warming and lighting his rooms in said building.

§ 4. The other officers in said asylum shall be an assistant superintendent and not exceeding six attendants, who Other officers.

shall be recommended by the medical superintendent and if approved of by the board of inspectors of state prisons, shall be appointed as such by said board of inspectors, and shall be paid as follows: The assistant superintendent shall receive thirty dollars per month, payable monthly, and shall also be boarded in and at the expense of said asylum, and the said attendants shall each receive twenty dollars per month and be boarded in said asylum.

Superintendent to file bond.

§ 5. The medical superintendent shall file in the office of the comptroller of this state, a bond in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty as such, which bond, before it shall be filed, shall be approved by the board of inspectors, and no such medical superintendent shall enter upon the discharge of the duties of said office till such bond so approved shall have been duly filed as aforesaid.

Shall estimate monthly.

§ 6. The superintendent shall estimate monthly, as is now provided by law, and subject to the same restrictions and conditions as in the case of agents and wardens of the state prisons, for all the moneys necessary for the support and maintenance of said asylum, which estimate shall be submitted to and carefully examined by the inspector in charge of the said Auburn prison, who, if he is satisfied that the said estimate is correct, and that the articles named in said estimate are actually needed for the support and maintenance of said asylum, shall certify the same, and on the production of said estimate so certified, to the comptroller, he shall draw his warrant on the treasurer for the amount of said estimate, and the treasurer shall pay the amount of said warrant out of any money in the treasury appropriated for the support of the state prisons.

Inspectors to adopt rules and regulations.

§ 7. The inspectors of state prisons shall adopt such rules and regulations, from time to time, as they shall deem proper, for the control and management of the said asylum, and shall have power to remove any and all the officers in said asylum, for cause, and shall enter such cause in full on the minutes of their proceedings at the asylum. And no officer removed by the said inspectors, for cause, shall be re-appointed to any position in said asylum.

Physicians to certify as to insane convicts.

§ 8. Whenever the physicians of either of the state prisons of this state shall certify to the inspectors that any convict is insane, they shall make, immediately, a full examination into the condition of such convict, and shall cause such convict to be examined by one of the physicians

of the State Lunatic Asylum at Utica, and if satisfied that the said convict is insane or that there is probable cause to believe such convict to be insane, they shall order the agent and warden of the prison where such convict is confined forthwith to convey such convict to the State Lunatic Asylum for Insane Convicts, and to deliver the said convict to the superintendent thereof, who is hereby required to receive said convict into the said asylum and retain him there so long as he shall continue to be insane, and no convict who has been committed to said asylum as insane, shall be discharged from said asylum by reason of the expiration of the term for which he was sentenced, unless the relatives of such convict shall produce to the said superintendent satisfactory evidence of their ability to maintain such convict, and shall execute and deliver to said superintendent an agreement in writing that such convict shall not be a charge upon any public charity, if such convict shall continue to be insane at the expiration of the time for which such convict was sentenced.

§ 9. The principal physician of the State Lunatic Asylum at Utica is hereby declared to be a consulting manager of the "State Lunatic Asylum for Insane Convicts," and the president of the board of inspectors of state prisons shall give, or cause to be given to said consulting manager, notice of the time of any and every meeting of said board at the said asylum, or at either of the state prisons, when held for the purpose of examining into the mental condition of any convict who shall have been certified to them to be insane.

§ 10. Whenever any convict who shall have been confined in the said asylum as a lunatic shall have become restored to reason, and the medical superintendent of said asylum shall so certify in writing, he shall be forthwith transferred to the Auburn state prison, and the agent and warden of said prison shall receive said convict into the said prison, and shall in all respects treat such convict as if he had been originally sentenced to imprisonment in said prison, though said convict may have been conveyed to the said asylum from either of the other prisons of this state.

§ 11. Whenever the inspectors of state prisons shall order any convict to be transferred to the Asylum for Insane Convicts, the agent and warden of the prison from which such convict is transferred, shall cause a correct copy of the

Principal physician of lunatic asylum to be consulting manager.

Convicts when restored to reason.

Convicts when transferred to asylum, &c.

original certificate of conviction of said convict to be filed in his office, and shall deliver the original certificate to the superintendent of the asylum; and when any such convict shall be transferred to the Auburn prison from such asylum, as hereinbefore provided, the said superintendent shall deliver to the agent and warden of said prison such original certificate, which shall be filed in the clerk's office in said prison.

Pay of physician.

§ 12. The physician who shall attend any meeting of the board of inspectors of state prisons, or who shall make any examinations of any convict, as hereinbefore provided, shall be paid his actual and reasonable traveling expenses in going to and returning from such examination or meeting, on the certificate of the president of the board of inspectors of state prisons that he has attended such meeting or examination.

§ 13. This act shall take effect immediately.

Chap. 131.

AN ACT to provide for payment of an award made by the Canal Board to Abraham Y. Lansing.

Passed April 8th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay to the executors of Abraham Y. Lansing, deceased, on the warrant of the auditor of the canal department, out of any moneys in the treasury, appropriated or to be appropriated to the enlargement of the Erie canal, the sum awarded to Abraham Y. Lansing, now deceased, by the canal board, under and by virtue of chapter six hundred and sixty-two of the laws of eighteen hundred and fifty-seven, eleven thousand six hundred and fifty-nine dollars and forty-two cents.

§ 2. This act shall take effect immediately.

Chap. 132.

AN ACT to restrain Banks, Banking Institutions and Individual Bankers from assuming the title of Savings Banks or receiving deposits as such.

Passed April 9th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall not be lawful for any bank, banking association or individual banker, authorized to issue circulating notes, by the laws of this state, established in any city or village where a chartered savings bank is located and transacting business, to advertise or put forth a sign as a savings bank, or in any way to solicit or receive deposits as a savings bank, and any bank, banking association or individual banker, which shall offend against these provisions shall forfeit and pay for every such offence the sum of one hundred dollars for every day such offence shall be continued, to be sued for and recovered in the name of the people of this state, by the district attorneys of the several counties in any court having cognizance thereof, for the use of the poor, chargeable to said county in which such offence shall be committed.

§ 2. This act shall take effect on the first day of May next.

Chap. 133.

AN ACT to amend certain sections of an act entitled "An act to amend an act to incorporate the village of West Troy, and for other purposes," passed April 8, 1850.

Passed April 10th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sections and subdivisions of sections of an act passed April eighth, eighteen hundred and fifty, amending an act to incorporate the village of West Troy, and for other purposes, passed April thirtieth, eighteen hundred and thirty-six, are hereby amended as follows:

Treasurer
shall be
eligible to
office, &c.

The fourth section of said act is hereby amended by adding at the end thereof the following: "The treasurer shall be ineligible to said office in any year next succeeding that for which he has been elected."

§ 2. The fifteenth section of said act is hereby amended by adding at the end thereof the following: "The request of three trustees to call a special meeting, shall be in writing, and shall be entered on the minutes of the special meeting held in pursuance of such call.

§ 3. Section twenty-seven of said act is hereby amended as follows:

1. Strike out "on the third Tuesday in May in the year eighteen hundred and fifty, and on the third Tuesday of March in each year thereafter," and insert instead thereof, "on the second Tuesday of April, eighteen hundred and fifty-eight, and on the second Tuesday of April in each year thereafter."

Charter
amended, &c.

2. At the end of the ninth subdivision of said section add "and to defray the ordinary expenses of making, repairing and laying out roads, alleys, highways, sewers and bridges in said village, in all cases when not chargeable by assessment upon any adjoining lots or grounds or individuals especially benefited, or upon particular wards, according to the provisions of the aforesaid act as amended."

3. At the end of the twelfth subdivision of said section, add as follows: "Whenever any item for any object mentioned in said section twenty-seven, or in any subdivision of said section shall have been once voted upon by the taxable inhabitants, under said section as hereby amended, no subsequent meeting of such taxable inhabitants shall be called during the same year, by the trustees to vote upon the same item or items, or the subject matter thereof.

§ 4. The thirty-seventh section of said act is hereby amended so as to read as follows:

§ 37. No officer or officers of said village shall have the power to incur any debt or liability on the part or behalf of said village, or to assent to the incurring of any debt or liability contrary to the provisions of the act incorporating said village, and the aforesaid act amendatory thereof as hereby amended, but all such officers assuming to incur, or assenting to any such debt or liability, shall be jointly and severally liable in their individual capacity to pay the same. Nor shall any of the money or property of said village be applied to the payment of any such debt or liability, or be liable in any manner to be taken therefor; nor shall said village incur any debt or liability beyond the amount of taxes applicable to the payment of such debts or liabilities which shall have been voted to be raised at the annual meeting, or at a special meeting duly called for that purpose, as provided in section twenty-seven of said act as hereinbefore amended.

§ 5. Section forty-ninth of said act is hereby amended, by striking out all down to and including the word "year," in the third line of said section, and inserting instead thereof "any sum that shall have been duly voted to be raised by the taxable inhabitants of said village, according to the provisions of the twenty-seventh section of said act as amended." And then by striking out after the word act in the eighth line of said section "and such sum so determined upon," and inserting instead thereof "and such sum so voted as aforesaid to be raised."

§ 6. Section fifty-three of said act is hereby amended by inserting after the word "power," in the first line of said section, the words "on the written application of twelve freeholders residing in the ward;" also by inserting after the word "land" in the third line of said section, the words "in any ward."

§ 7. Section fifty-four of said act is hereby amended so as to read as follows:

§ 54. The taxable inhabitants of the several wards of said village, qualified to vote at tax meetings, under the twenty-seventh section of said act, shall meet in their respective wards on the third Tuesday of April in each year, pursuant to a public notice of at least five days, to be given by the trustees of the respective wards, which notice shall be put up in at least three public places in each of the said wards, and shall specify the hour, place, and the general purpose of such meeting; at such meeting the taxable inhabitants of the respective wards may vote to raise by tax, such sum as they shall deem necessary for the construction of public sewers, wells, cisterns and pumps, and for the safe keeping and repairing of the same; or any part thereof, and for the building and repairing of crosswalks and bridges, and the sum so voted shall be assessed and collected from the taxable property in the ward, within which such improvement shall have been made, in the same manner as other taxes, directed to be assessed and collected by virtue of this act; provided, however, that in rating and assessing the cost and expenses of working and keeping in repair the public sewers and bridges in this section mentioned, the same shall be rated and assessed as aforesaid, on or among the owners or occupants of the real and personal property, incorporated companies, and associations in said village, in a just and equitable manner, as nearly as may be, in proportion to the advantages each shall be deemed to acquire thereby.

§ 8. The fifty-seventh section of said act is hereby amended by inserting after the word "same" in the fourth line of said section, "whenever the money for such purpose shall have been duly voted to be raised by tax, as provided in section twenty-seven of said act, and not otherwise."

§ 9. This act shall take effect immediately.

Chap. 134.

AN ACT to legalize the sale of stocks on time.

Passed April 10th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No contract, written or verbal, hereafter made, for the purchase, sale, transfer or delivery of any certificate, or other evidence of debt, due by or from the United States, or any separate state, or of any share or interest in the stock of any bank, or of any company incorporated under any law of the United States, or of any individual state, shall be void or voidable for any want of consideration, or because of the non-payment of any consideration, or because the vender, at the time of making such contract, is not the owner or possessor of the certificate or certificates, or other evidence of such debt, share or interest.

§ 2. Sections six, seven and eight, of chapter twenty, title nineteen, article two of the Revised Statutes, entitled "Of brokerage, stock jobbing and pawn brokers," are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 135.

AN ACT to amend the act entitled "An act to incorporate the International Bridge Company," passed April 17, 1857.

Passed April 10th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of the act entitled "An act to incorporate the International Bridge Company," passed April seventeenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Width of
draws.

The draws of said bridge shall be of ample width to give free and unobstructed passage to all steamboats and other vessels navigating said river, or Lake Erie; they shall be at all times tended and moved at the expense of said company, so as not to hinder or delay the passage of any steamboat or vessel. From sundown to sunrise, during the season of lake navigation, suitable lights shall be maintained upon said bridge, to guide all such vessels or steamboats approaching or passing said draws, and shall at all times keep in readiness one or more steamboats or steamtugs, suitable for towing such vessels through such draws, and shall tow all said vessels through said draw, whenever requested to do so by the officers of such sail vessels on their regular passage up and down the river or harbor without charge; and said company shall be liable to pay owners of any steamboat or vessel or the cargoes thereof, all damages which they may sustain by reason of any neglect of the provisions of this section.

Steamboats
or steamtugs
to be kept,
&c.

§ 2. Section eight of said act is hereby amended so as to read as follows:

Commis-
sioners to
meet.

The said commissioners or a majority of them shall meet on the first Tuesday of July next, or as soon thereafter as a majority of said commissioners shall appoint at their first place of meeting, and of the whole of the capital stock shall not have been subscribed, said commissioners so attending at such meeting, may adjourn from time to time,

as they may deem proper, and open the books for further subscription, and if more than the whole stock shall have been subscribed, shall distribute the same, and apportion it among the subscribers, as they shall deem most advantageous to the corporation, and after closing the books they shall give ten days notice in two public newspapers, published in the city of Buffalo, of a meeting of the stockholders to choose directors. The said commissioners or such of them as shall attend, shall preside at the first election, and such election shall be made at the time and place appointed by the commissioners in their notices, by such of the stockholders as shall be present in person or by proxy. At the first, and all subsequent elections, each of the stockholders shall be entitled to one vote on each share of stock which they shall respectively hold, and which shall have stood in their names at least thirty days prior to the date of any such election; and the said commissioners so presiding, shall under their hands certify the names of the directors so elected, and deliver over the subscription money, books and papers to the said directors. The time and place of the first meeting of the board of directors shall be fixed by the commissioners. The board of directors or a majority of them, shall after having published a notice for fifteen days, in two daily papers in the city of Buffalo, of their intention to locate said bridge, select and by their certificate shall designate the site of said bridge, and the approaches thereto, and shall make two certificates thereof, one of which shall be filed in the clerk's office in the county of Erie, and the other to be filed with the secretary of the said corporation; which approaches and site shall be considered the approaches to and site of said bridge, on which the said company may construct said bridge and improve and perfect such approaches, as are hereafter mentioned; and the said directors shall have power to cause such examinations and surveys to be made as may be necessary in their judgment for the selection, as aforesaid, of the most advantageous site for the said bridge, and the avenues and approaches leading to and from the same; and for such purpose the directors of the corporation hereby created shall have power to appoint an engineer, agents or officers, who are authorized to enter upon the lands or waters of any person for such purpose, but subject to proper responsibility for all damages which they may do thereto.

Subscription.

Election of directors.

Notice to be published.

§ 3. This act shall take effect immediately.

Chap. 136.

AN ACT in relation to Savings Banks in the city of Buffalo and to amend an act entitled "An act relative to Savings Banks or Institutions for Savings, in the city and county of New York and the county of Kings," passed April fifteenth, eighteen hundred and fifty-three.

Passed April 10th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The temporary deposits which any savings bank or institution for savings in the city and county of New York and the county of Kings, is authorized to make by the second section of chapter two hundred and fifty-seven of the laws of eighteen hundred and fifty-three, shall not exceed in amount twenty per cent of all the deposits belonging to any such bank or institution for savings; nor shall the deposits of any such bank or institution for savings in any bank of issue, exceed in the aggregate, at one time, the sum of one hundred thousand dollars.

§ 2. It shall be lawful for the trustees of such savings banks or institutions for savings, to pay to their respective presidents such compensation for their services as shall in the opinion of the said trustees be reasonable. But no person shall be elected or remain such president whose professional or other engagements shall prevent his regular and faithful attendance to the duties of his office.

§ 3. All acts or parts of acts in relation to savings banks or institutions for savings, inconsistent with this act, are hereby repealed.

§ 4. The second section of this act shall apply to savings banks in the city of Buffalo.

§ 5. This act shall take effect immediately.

Chap. 137.

AN ACT to repeal the third section of an act entitled "An act in relation to the payment of fare upon the New York Central Railroad," passed April first, eighteen hundred and fifty-seven.

Passed April 10th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The third section of an act entitled "An act in relation to the payment of fare upon the New York Central railroad," passed April first, eighteen hundred and fifty-seven is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 138.

AN ACT to amend an act entitled "An act to authorize the improving and keeping in repair a certain Highway, in the county of Putnam, and to assess certain non-resident lands along the line of said road, and to pay the expenses of keeping the same in repair," passed March 24, 1857.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of the said act is hereby amended, by adding thereto as follows: And the commis-

sioners above named shall have the same power and control over the said highway or road, that the commissioner has over the highways in the several towns in this state have over the highways in their towns respectively, and the provision of section seven of this act, inconsistent herewith, is hereby repealed.

§ 2. Section eighth of the said act is hereby amended by adding thereto as follows: The board of supervisors of said county, at their annual meeting the present year, and in each and every year hereafter shall cause to be raised in the same manner as other county expenses are raised, provided, the sum of three hundred dollars, to be expended by or under the direction of the commissioners appointed by this act each year, in putting and keeping the said highway in proper order and repair.

Chap. 139.

AN ACT authorizing the imprisonment of persons convicted of certain crimes, in the counties of Montgomery and Oneida, in the Albany County Penitentiary.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boards of
supervisors
to make
agreement,
&c.

SECTION 1. It shall be lawful for the several boards of supervisors of the counties of Montgomery and Oneida, to enter into an agreement with the board of supervisors of the county of Albany, or with any person in their behalf by them appointed, to receive and keep in the Albany county penitentiary, any person or persons who may be sentenced to confinement at hard labor, by any court or magistrate of said counties of Montgomery and Oneida, for any term less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the several boards of supervisors of the counties of Montgomery and Oneida

give public notice thereof, specifying in such notice the period of the continuance of such agreement, which said notice shall be published in such newspapers printed in said counties, not less than two, and for such period of time, not less than four weeks, as the several boards of supervisors of said counties of Montgomery and Oneida shall direct.

§ 2. It shall be the duty of every court, police justice, ^{Duties of courts.} justice of the peace, or other magistrate, by whom any person may be sentenced, in the counties of Montgomery and Oneida, for any term not less than sixty days, for any crime or misdemeanor not punishable by imprisonment in the state prison, during the continuance of the agreement mentioned in the first section of this act, to sentence such person to imprisonment in the Albany county penitentiary, there to be received, kept and employed in the manner prescribed by law and the rules and discipline of said penitentiary; and it shall be the duty of such court, justice or magistrate, by a warrant duly signed by the presiding judge or justice of such court, or by such justice or other magistrate so giving such sentence, to cause such person so sentenced, to be forthwith conveyed by some proper officer to said penitentiary.

§ 3. It shall be the duty of the sheriff and constables in ^{Sheriff and constables.} and for the counties of Montgomery and Oneida, to whom any warrant of commitment for that purpose may be directed, by any court or magistrate in this act mentioned, to convey such person so sentenced to the Albany county penitentiary, and there deliver such person to the keeper of said penitentiary, whose duty it shall be to receive such persons so sentenced during the continuance of said agreement, authorized by the first section of this act to be there safely kept and employed, according to the rules and discipline of said penitentiary; and the officers thus conveying such convicts so sentenced, shall be paid such fees and expenses therefor, as the several boards of supervisors of the counties of Montgomery and Oneida shall prescribe and allow.

§ 4. This act shall take effect immediately.

Chap. 140.**AN ACT in relation to the Police Justices
the city of Albany.**

Passed April 12th, 1858, three-fifths being present.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows :*

SECTION 1. Each of the police justices of the city of Albany shall have power to hold courts of special sessions to hear, try and determine charges for such offences arising within the said city, as are enumerated in article first of chapter second and title third, of the fourth part of the revised statutes; and such courts shall be held and such trials had in the manner provided in said article, subject to the provisions contained in chapter one hundred and thirty-nine of the laws of eighteen hundred and fifty-four.

§ 2. This act shall take effect immediately.

Chap. 141.**AN ACT to amend the charter of the village
Lockport.**

Passed April 12th, 1858, three-fifths being present.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of said village are hereby authorized and required, to cause the several sidewalks in said village now built or hereafter to be built, to be repaired as often as any of them need repairing in the opinion of the trustees, of the same kind of material of which they

built. The said trustees are hereby required to cause the several owners or occupants of the several lots in front of which the sidewalk needs repairing, to be notified in writing, or partly written and partly printed, to repair the same within twenty days after such notice, in such manner as said trustees may direct; if any lot is unoccupied, in front of which the sidewalk needs repairing, a notice of the kind of repairs required to be made, shall be published in the official village daily paper, ten days successively, which shall be a full and legal notice to all parties interested, and the expenses of advertising shall be and remain a lien and charge on each of said lots so advertised, and be collected in the manner hereinafter provided; if the repairs shall not be made within the twenty days above provided, then the said trustees are hereby authorized and required to cause the same to be done immediately, and the expenses of making such repairs and of advertising, shall be audited and allowed by said trustees, and remain a lien and charge on each of the several lots, to the amount of the repairs and advertising, made to said sidewalk opposite to each of said lots; and the expenses thus incurred, shall be collected by advertisement and sale of the several lots, in the same manner and with the like effect, that lots are now authorized to be advertised and sold by virtue of said charter, for local assessment and expenses, or may be collected by suit, of the several owners, by and in the name of said trustees.

§ 2. No local assessment for any local improvement, shall hereafter be made or directed to be made, by the trustees of said village, except as provided in section one of this act, or to carry out any ordinance now in force and heretofore passed by said trustees, or for fire purposes as now provided, unless the said trustees are requested and petitioned so to do, in writing, by the persons or their agents, owning a majority of the property which is to be assessed to defray the expenses of such local improvement; said trustees shall continue to keep a record of all their doings, and place on file, in their office, all petitions, and all other papers pertaining thereto.

§ 3. This act shall take effect immediately, or all acts or parts of acts, inconsistent with this act, are hereby repealed.

Chap. 142.

AN ACT to change the name of the First Society of Windham, Greene county, to the First Presbyterian Society of Ashland.

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of the First Society of Windham, Greene county, shall be and is hereby changed to the First Presbyterian Society of Ashland.

§ 2. The change of name herein authorized shall not be deemed a release from liabilities heretofore contracted by said society.

§ 3. This act shall take effect immediately.

Chap. 143.

AN ACT to amend the act entitled "An act to suppress Intemperance, and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, so far as the same is applicable to the counties of Oneida and Onondaga.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first clause of section two of the above entitled act is hereby amended so as to read as follows: T

commissioners of excise shall meet in their respective counties, except in the counties of Oneida and Onondaga, at the place aforesaid, on the third Tuesday of May in each year, and on such other days as a majority of the commissioners shall appoint, not exceeding ten days in any one year, and in the city of New York not exceeding fifty days, for the purpose of granting licenses as hereinafter provided.

§ 2. The commissioners of excise of the counties of Oneida and Onondaga, shall meet at the place and time mentioned in the first section of this act, for the purposes therein mentioned, and may meet on such other days as a majority of the commissioners shall appoint, not exceeding thirty days in any one year.

§ 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 144.

AN ACT to amend an act entitled "An act to provide for the laying out and constructing the Colton and Long Lake Road," passed June 23, 1851; also, to amend an act entitled "An act to provide for the laying out and constructing a road from the town of Parishville to Long Lake," passed March 23, 1853.

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That so much of chapter two hundred and seventy-one of the laws of eighteen hundred and fifty-one, as relates to township number eleven, of great tract two of Macomb's purchase, be and hereby is repealed.

§ 2. That so much of chapter forty-eight of the laws of 1853, as relates to township number eight, and to the easterly half of township number eleven, of great tract two of Macomb's purchase, be and the same is hereby repealed.

§ 3. Nothing in this act shall be so construed as to interfere with any of the provisions of either of the acts hereby amended, except so far as relates to township number eight and eleven mentioned in said acts.

§ 4. This act shall take effect immediately.

Chap. 145.

AN ACT to incorporate the "Putnam Hook and Ladder Company Number One, of the village of Cold Spring."

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. James Truman, Samuel Corris, Charles Haal and such other persons as may be associated with them, are hereby constituted a body corporate by the name and description of "Putnam Hook and Ladder Company number one, of the village of Cold Spring," and by that name they and their successors shall and may have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and also, that they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, necessary for the purpose of extinguishing fires and the preservation of hooks, ladder apparatus, tools and implements of said corporation to the amount of five thousand dollars.

§ 2. The said corporation shall have full power to make

and establish such by-laws, rules and regulations as they from time to time shall think proper, as to their officers, the time, place and manner of electing them, and the period of their continuance in office, and as to their powers and duties, and as to the election of members, and as to the government of persons appointed or elected by them as members, and with respect to the purposes for which this corporation is constituted.

§ 3. The said corporation shall have full power and authority to nominate and appoint a sufficient number of persons, not exceeding fifty, to have the care, management, working and using of the apparatus and all the implements belonging to said corporation, and who shall be ready at all times to assist in the extinguishment of fires; and further, that said corporation, or a majority thereof, shall have power from time to time to remove any person so appointed as aforesaid when and as often as they shall think proper, and to appoint others to fill the vacancies occasioned by removal or otherwise, and shall have full power of fireman, subject to a chief engineer, to be elected by the fire department and approved by the trustees of the village.

§ 4. Each of the said persons so appointed as aforesaid, who shall serve as such members for seven years, shall, during such service and forever thereafter, be exempted from serving as a juror in any of the courts of this state, and from militia duty, except in cases where the militia are ordered into actual service.

§ 5. This act shall take effect immediately.

Chap. 146.

AN ACT to exempt the Firemen of the village of Peekskill, county of Westchester, from certain taxation.

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The foreman and clerk of each and every fire company, hook and ladder company and hose company in the village of Peekskill, county of Westchester, shall return under oath, to the clerk of said village, on or before the first Monday in May of each and every year hereafter, the names of all persons belonging to and who have been actually performing service for the last six months in the several fire companies, hook and ladder companies, and hose company, in said village.

§ 2. The clerk of said village, upon receiving the several returns from the various fire companies of the said village of Peekskill, as stated in section first, shall cause a certified copy thereof to be made, which shall be served upon one more of the trustees of said village, in each and every year hereafter, on or before the first Monday of June.

§ 3. The trustees of the village of Peekskill upon receiving the several returns, certified to, as is stated in section second, are hereby authorized to exempt the different persons so stated, and the three engineers of the fire department to the amount of one day's labor on highway in said village.

§ 4. This act shall take effect immediately.

Chap. 147.

AN ACT to authorize the commissioners of highways of the town of East Hampton, in the county of Suffolk, to lay out a highway in said town, less than three rods wide.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of highways of the town of East Hampton, in the county of Suffolk, are hereby authorized to lay out a highway in said town, between the land of Jonathan C. Schellinger, on the east, and the church lot of the Methodist Episcopal church, in the village of Amagansett, on the west; said highway to be of the width of two rods.

§ 2. The said highway shall be laid out in conformity with and be subject to all the provisions of the "Act regulating highways in the counties of Suffolk, Queens, and Kings," passed February twenty-third, eighteen hundred and thirty, and the act amending the same.

§ 3. This act shall take effect immediately.

Chap. 148.

AN ACT to change the name of William Bennett to Zavarr Wilmshurst, and of Gertrude Louise Bennett to Gertrude Louise Wilmshurst, and of Ida Blanche Mead to Ida Blanche Wilmshurst.

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this act, William Bennett, a resident of the city and county of New York, in the state of New York, shall be known and designated by the name of Zavarr Wilmshurst, and Gertrude Louise Bennett, wife of the aforesaid William Bennett, shall be known and designated by the name of Gertrude Louise Wilmshurst, and Ida Blanche Mead, infant daughter of said Gertrude Louise Bennett, shall be known and designated by the name of Ida Blanche Wilmshurst.

Chap. 149.

AN ACT releasing to Catherine McMann, the interest of the State, in certain lands of which her late husband, Michael McMann, died seized.

Passed April 12th, 1858, by a two-third vote.

*The People of the State of New York, represented
Senate and Assembly, do enact as follows:*

SECTION 1. All the right, title and interest, that the people of this state acquired by escheat, in the lands of which Michael McMann died seized, situated in Cayuga county, is hereby released to Catharine McMann, the widow of the said McMann, at the time of his decease.

§ 2. Nothing in this act shall affect the right of any creditor, or of any mortgage given by him, or of any person claiming title to said premises, as legal heir of the said McMann.

§ 3. This act shall take effect immediately.

Chap. 150.

AN ACT to legalize a resolution passed at a town meeting of the town of Lorraine, in the county of Jefferson, held February 16, 1858, relating to town hall for said town.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The resolution passed by the electors of the town of Lorraine, in the county of Jefferson, at their annual town meeting held on the sixteenth day of February, eighteen hundred and fifty-eight, respecting a town house, shall be as legal and valid for all intents and purposes as if the notice thereof had been posted agreeable with an act authorizing the erection of town houses, passed May fifth, eighteen hundred and forty-seven.

§ 2. Sardis Abbey, John Boyden, Silas Lyman, E. R. Felt and Joseph Grimshaw, are hereby appointed a committee to procure a title to the Congregational church premises in the said town of Lorraine, to repair and convert the same into a town hall agreeable to the resolution passed by the electors of said town as aforesaid.

§ 3. The conveyance of the house and premises shall be to the town, and when completed shall be controlled in all respects as directed by the act passed May fifth, eighteen hundred and fifty-seven.

§ 4. The board of supervisors of the county of Jefferson at their next annual session, shall cause the sum expended by the said committee in repairing said house to be levied and collected the same as other town expenses of said town, provided said sum shall not exceed the sum specified in said act, passed May fifth, eighteen hundred and forty-seven.

§ 5. This act shall take effect immediately.

Chap. 151.

AN ACT to change the school year, and to amend the statutes in relation to Public Instruction.

Passed April 12, 1858, three-fifths being present.

The People of the State of New York, represented Senate and Assembly, do enact as follows :

SECTION 1. The school year of the state shall hereafter School year. commence on the first day of October and end with the fourteenth day of September; and all provisions of law in respect to the duties of school officers, now in force, shall apply to the year herein designated.

§ 2. The superintendent of public instruction shall provide for a return of the statistics now required from the various school districts, for the nine months preceding the first day of October next, and shall apportion the public money on the schools for the year preceding that date, in the same manner as if the said reports had been rendered on the fifteenth of January; and the trustees, or trustee, when there is but one, of each district, shall annually thereafter, on or before the second Tuesday of October, file with the town clerk, for the use of the school commissioner, a report, similar in all respects to that now required to be made in January, except that the year to which it relates shall terminate on the last day of September immediately preceding.

§ 3. The annual meeting of the taxable inhabitants and legal voters of the several school districts in this state, shall be held on the second Tuesday of October, in this and each succeeding year; and unless the hour and place of such meeting shall be fixed by the vote of a previous district meeting, the same shall be held at the school house, at seven o'clock in the evening. In districts possessing more than one school house, the meeting shall be held at the one usually employed for that purpose, to be designated by the trustees, or trustee, when there is but one, who shall cause

Statistics to be returned, &c.

Annual meeting of school districts.

notice of such meeting to be published as now prescribed by law.

School district officer, term of office.

§ 4. The term of office of all school district officers heretofore elected or appointed, or who may be elected or appointed previous to the second Tuesday of October next, shall be deemed to expire on said second Tuesday of October.

District clerk.

§ 5. At the annual meeting on the second Tuesday of October next, there shall be chosen in each district, a district clerk, a librarian and a collector, who shall hold their offices respectively till the next annual meeting, and until their successors shall have been chosen or appointed.

Number of trustees.

§ 6. The electors of each district shall have power at their annual district meeting, to determine by resolution whether there shall be chosen one or three trustees, and the number so determined upon shall be chosen; and if one trustee shall be determined upon and chosen, he shall possess all the powers and discharge all the duties of trustees prescribed by law, and shall hold his office for one year. And whenever three trustees shall be chosen in any district, they shall hold their offices for one, two and three years respectively, and the voters shall designate by their vote for which term each of the trustees is elected; and each trustee only shall thereafter annually be elected in such district, who shall hold his office for three years and until his successor shall be duly elected or appointed; but in case any trustee shall be elected to fill a vacancy, he shall hold the office only for the unexpired term which shall have become vacant. And whenever any district having but three trustees shall desire to have but one trustee, the electors of such district may pass a resolution to that effect, at the annual meeting, and upon the passage of such resolution, the other trustee shall thereafter be elected or appointed until the term or terms of those trustees then in office shall expire or become vacant, and they shall have power to elect until their terms shall severally become vacant or expire as fully as if the three continued in office.

Vacancies.

Power of trustees.

§ 7. Any two trustees of any school district may make any order or transact any business in execution of the powers conferred upon said board of trustees by law; provided it shall appear in the order or proceedings filed with them, that all the trustees of the district met and deliberated on the subjects embraced in such order or proceedings,

are duly notified to attend a meeting of the trustees, for the purpose of deliberating thereon.

§ 8. The terms of all officers elected at the first meeting ^{New district} of the organization of any new district, shall expire on the second Tuesday of October thereafter, when successors shall be chosen in the manner and for the terms prescribed in the sixth section of this act.

§ 9. It shall be the duty of the district clerk, or of the person who by reason of the absence or disability of said clerk, shall act as clerk of any district meeting, held on the second Tuesday of October next, or of any year thereafter, when any school district officer shall be elected immediately to give notice in writing to every person so elected to any office, of his election; and that the person so notified shall be deemed to have accepted such office, unless within ten days after the service of such notice he shall file with the district clerk a written refusal to serve as such officer.

§ 10. Every collector of a school district shall, before receiving any warrant for the collection of moneys, execute ^{Bond of collector.} a bond to the trustees, or to the trustee when there is but one, of his district, when required by them, in their corporate name, with one or more sureties, to be approved by one or more of the trustees, in double the amount of taxes to be collected, conditioned for the due and faithful execution of the duties of his office. It shall be the duty of every collector to keep in his possession all moneys collected by him, by virtue of any warrant in his hands, to be by him paid out upon the order of a majority of the trustees, to report in writing at the annual meeting, and to hand over to his successor in office all moneys in his hands belonging to the district.

§ 11. If any collector shall not execute such bond within the time which shall be allowed him by the trustees for that purpose, which shall not be less than ten days, his office shall be vacated; and the trustees may appoint any other person residing in the district, as collector in his place.

§ 12. Whenever the amount of library money annually ^{Library money.} apportioned to any school district shall fall below the sum of three dollars, it shall be lawful for the trustees of such district to apply the same in payment of teachers qualified according to law; and such application of library money shall not impair the right of such district to its just proportion of the library money in subsequent years.

§ 13. All laws and parts of laws, inconsistent with provisions of this act, are hereby repealed.

§ 14. Nothing contained in this act shall be so construed as to effect or interfere with any special school acts now in force, in any city, or incorporated village, except so far as they relate to the time of making the annual report.

§ 15. This act shall take effect immediately.

Chap. 152.

AN ACT to change the name of Alexander C. Kilpatrick, to Alexander C. Stewart.

Passed April 12th, 185

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Alexander C. Kilpatrick, of the town of Vienna, in the county of Oneida, is hereby changed to Alexander C. Stewart, by which last mentioned name he shall hereafter be known and designated.

§ 2. This act shall take effect immediately.

Chap. 153.

AN ACT to amend an act entitled "An act to provide for building a bridge across the Esopus creek in the town of Marbletown, county of Ulster (where the last bridge stood), near the house of Jacob B. Davis," passed April thirteenth, eighteen hundred and fifty-seven.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended as to read as follows: such moneys when collected shall be paid to Cornelius Bogart, junior, who is hereby appointed commissioner, whose duty it shall be to cause said bridge to be erected with all proper diligence, and apply said moneys to the costs and expenses of the building of said bridge. Such commissioner before entering upon the discharge of his duties, and before receiving such moneys, shall execute and deliver a bond to the supervisor of the said town of Marbletown in the penal sum of two thousand dollars with sufficient sureties to be approved by said supervisor, conditioned for the faithful performance of his duties as such commissioner, and the just expenditure of such moneys as shall be received by him, for the purpose of building said bridge; and the said commissioner shall account to the board of town auditors of said town there-

§ 2. This act shall take effect immediately.

Chap. 154.

AN ACT to authorize increased compensation for the transportation of persons upon the Plattsburgh and Montreal Railroad in the county of Clinton.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Compensation may hereafter be charged for the transportation of persons upon the Plattsburgh and Montreal railroad in the county of Clinton, at the same rate per mile as is charged upon the Montreal and New York railroad in Canada, and in connection with which, said Plattsburgh and Montreal railroad was built, which rates shall not, however, exceed in any case, five cents per mile.

§ 2. This act shall take effect immediately.

Chap. 155.

AN ACT to confirm the official acts of Harman W. Pulver, as a justice of the peace.

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the proceedings which have been had by and before Harman W. Pulver, as justice of the peace of the town of Pine Plains, in the county of Dutchess, and all official act done by him since the thirty-first day of March,

eighteen hundred and fifty-seven, up to the first of January, eighteen hundred and fifty-eight, shall be held to be of the same force and validity as if the said Harman W. Pulver's office of justice of the peace and his duties as such justice had commenced on the first day of April, eighteen hundred and fifty-seven.

§ 2. All liabilities and forfeitures incurred by the said Harman W. Pulver, for having executed any of the duties of the said office of justice of the peace from and after the first day of April, eighteen hundred and fifty-seven to the first day of January, eighteen hundred and fifty-eight, are hereby remitted.

§ 3. This act shall not affect the rights of any party to any suit or legal proceedings which may have been had or commenced, in consequence of the invalidity of any proceeding before the said justice previous to its passage.

§ 4. This act shall take effect immediately.

Chap. 156.

AN ACT relating to Superintendents of the Poor in Queens County.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The superintendents of the poor in the county of Queens shall hereafter, on the first Monday in December, March, June and September, report to the board of supervisors in writing, signed by a majority of said superintendents, verified by oath, first, the number of persons, males, females and children, under their charge in said poor-house, or elsewhere in said county, at the time of making such report; second, the number received in said poor-house, with date of entrance; third, the number of persons discharged, with date thereof; fourth, the length of time such

person or persons were confined in said poor-house under their charge.

§ 2. The county superintendents of the poor of said county of Queens shall, in addition to the duties provided in the foregoing section, present at the same time and place their accounts, verified by oath, to said board of supervisors for services rendered, miles traveled, and public money received and expended by said superintendents for said poor, for the past quarter.

§ 3. The board of supervisors of Queens county, shall meet at the court-house in said county, on the days prescribed in the first section of this section of this act, at eleven o'clock, and shall proceed to examine the reports of the county superintendents of the poor of said county, and examine, audit and allow the accounts of said superintendents, for services rendered, miles traveled, and money expended by said county superintendents, for support of the poor thereof.

Chap. 157.

AN ACT to make valid the proceedings had before Stephen Forman, as a justice of the peace of the town of Kortright, in the county of Delaware.

Passed April 12, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All legal proceedings had before Stephen Forman, a justice of the peace of the town of Kortright, in the county of Delaware, from the twelfth day of February, A. D. eighteen hundred and fifty-six, to the first day of January, A. D. eighteen hundred and fifty-seven, are hereby declared valid and effectual, as if said Forman had properly been elected by the people; but this act shall not affect any suit commenced.

§ 2. This act shall take effect immediately.

Chap. 158.

AN ACT to incorporate the New York Pure Milk Company.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jonathan A. Keller, Robert M. Stratton, Henry C. Banks, and their associates, and all other persons who hereafter shall from time to time be associated with them, are hereby constituted a body politic and corporate by the name of the New York Pure Milk Company, for the purpose of furnishing and supplying the city of New York and vicinity with pure and wholesome milk, and of having, holding, exercising and enjoying all the rights, power and privileges necessary to the establishment of such a business, and to that end the said corporation may acquire, take, hold and transfer real and personal estate, and sue and be sued by their corporate name. Body corporate.

§ 2. The capital stock of said company shall consist of the sum of one hundred and fifty thousand dollars, which shall be deemed personal property, and shall be divided into shares of ten dollars each; no assignment or transfer of any share shall be valid until such transfer shall be registered in the book to be kept for that purpose, and in accordance with the by-laws of said company. Capital stock.

§ 3. In addition to the general powers granted to corporations by the third article of the eighteenth chapter of the first part of the revised statutes, the said corporation shall have power to purchase and erect such buildings and other appliances as shall be deemed necessary to carry out the purposes and objects of the association and to make divisions of the capital stock. To hold real estate.

§ 4. The concerns of the said corporation shall be managed by a board of directors, to consist of not less than five nor more than seven members, who shall be stockholders of said company, and who, except the first directors hereby Directors.

appointed, shall hold their offices fore* one year and until others are chosen in their places.

First directors.

§ 5. So soon as twenty-five thousand dollars of the capital stock is subscribed and paid in, the company may go into operation, and the said Jonathan A. Weller, Robert Stratton, Henry C. Banks, and such other persons as a majority of them shall elect (but not so as to exceed in number seven members), shall be the first directors of said company with power to fill vacancies and elect officers, and said board of directors shall hold their offices for the first year and until others are chosen in their places by the stockholders, of whom a majority shall constitute a quorum for the transaction of all business; and said directors shall select from among themselves a president and secretary, for the time being.

President, &c.

§ 6. The stockholders shall, every year except the first, elect the directors, together with a president and secretary. The said president and secretary shall be chosen from among the stockholders, and shall be ex-officio members of said board of directors; public notice of the time and place of such election shall be given by the directors for the time being for at least two weeks previous thereto, in one or more of the newspapers published daily in the city of New York. In case it should at any time happen that an election of directors should not be made on the day appointed by the by-laws of the said corporation, a new election shall be held with proper dispatch and on public notice; and the officers of the preceding year shall hold over until their successors shall be elected and inducted into office.

Metallic cans for milk.

§ 7. The milk to be furnished by the said association shall be placed in metallic cans, which shall be locked before leaving the premises of the company, and the keys thereof retained by the officers, and the said milk shall in all cases be drawn by means of a faucet. The cows from whence the said milk shall be obtained shall be fed exclusively on hay, grain, grass or other dry vegetable provender, and shall be allowed such free air and exercise in the open fields as may be necessary to preserve them in good, sound and healthy condition. Any violation of either of the provisions of this act shall be and is hereby declared to be a forfeiture of the charter and all corporate rights thereunto pertaining.

By-laws, &c.

§ 8. A majority of all the directors of said company shall

* So in the original.

have power to pass such by-laws, rules and regulations from time to time, and to alter or repeal the same, as shall be deemed necessary for the proper and legitimate prosecution of the business aforesaid, provided the same shall be consistent with the provisions of this act and the laws of this state.

§ 9. The said company shall cause to be prepared a corporate seal, on which shall be engraven the corporate name of said company, together with the date of incorporation, with such characteristic device as may be deemed appropriate. ^{Seal.}

§ 10. The directors may require payment of subscriptions to the stock of said company, at such time and in such proportions as they may deem proper, under penalty of forfeiting all stock and previous payments thereon, and the said company may sue for and recover all such subscriptions. ^{Subscriptions, when paid.} Notice of the time and place of such payments shall be published two weeks previous to such time, in one or more of the newspapers published in the city of New York.

§ 11. The stockholders of this company shall be severally individually liable to the creditors of the company to an amount equal to the amount of stock held by them respectively, for the debts and contracts made by such company, until the whole amount of capital stock fixed by the company shall have been paid in, and a certificate to that effect filed in the county clerk's office of the county of New York. ^{Liability of stockholders}

§ 12. This act shall take effect immediately.

Chap. 159.

AN ACT for the relief of the members of the Common Council and Board of Supervisors of the city and county of New York, for the year eighteen hundred and fifty-seven.

Passed April 12th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every person who was elected to the office of alderman, or to the office of councilman for any ward or council district of the city of New York, for the political year commencing on the first of January, eighteen hundred and fifty-seven, and who qualified as such alderman or councilman, and who acted as such, is hereby declared to be entitled to receive the sum of two hundred and eighty dollars from the city treasury for his services, in addition to the moneys received for such services during any part of the political year.

§ 2. It shall be and is hereby declared to be the duty of the comptroller of said city of New York, to draw his warrant for said sum, in favor of each of the persons above specified, upon the production to him of a duly certified copy of the oath of office, of such member of said common council.

§ 3. The supervisors of the county of New York, are hereby authorized and empowered to raise by tax, or otherwise, the sum of twenty-three thousand and twenty-four dollars, and such other sum as may be required, for the purposes of this act.

§ 4. The members of the board of supervisors of the city and county of New York, for the year eighteen hundred and fifty-seven, are hereby declared to be entitled to compensation at the same rate per diem as the supervisors of the other counties of the state, and that the comptroller of the city of New York is hereby authorized and directed to draw his warrant in favor of each member of the said board of supervisors, for the year eighteen hundred and fifty-seven, for such amount as he shall be found entitled to under the provisions

of this section, upon the presentation of a certificate of the clerk of the said board of supervisors, of the number of days he shall have been present at the meetings of said board, between the first day of May and the thirty-first day of December.

§ 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 160.

AN ACT to amend the Charter of the Excelsior Medical College of the city of New York.

Passed April 13th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act for the incorporation of the Excelsior Medical College, of the city of New York," passed April sixteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

James Lull, William M. Thomson, Francis Larkin, Aaron Ward, James J. Smalley, Russel Smith, William H. Robertson, Marshall O. Roberts, George A. Brandreth, and Abram Hyatt, are hereby constituted a body corporate, by the name of the Excelsior Medical College, of the city of New York, for the purpose of promoting medical science and instruction in the department of learning connected therewith, and by that name they and their successors shall and may have succession, and shall be persons in law, capable of suing and being sued, and they and their successors may have and use a common seal, and the same also change at pleasure, and they and their successors shall in law be capable of taking, receiving, purchasing and holding real and personal estate, and of mortgaging, selling and disposing of the same, as they may deem necessary, for the interests and objects of the corporation.

Trustees.

§ 2. James Lull, William M. Thomson, Francis Larabee, Aaron Ward, James J. Smalley, Russel Smith, William Robertson, Marshall O. Roberts, George A. Brandreth, Abram Hyatt, are hereby appointed trustees of said corporation, with power to fill vacancies, and the mayor and recorder of the city of New York, for the time being, shall be ex-officio members of the board of trustees; and a majority of the whole number of trustees shall be necessary to constitute a quorum for the transaction of business.

Professors.

§ 3. It shall be lawful for said board of trustees to appoint such professors and other instructors as they may deem necessary, and to remove the same at pleasure.

Degree of
M. D.

§ 4. The trustees, for the time being, shall have the power to grant and confer the degree of doctor of medicine upon the recommendation of at least three curators of the medical profession, appointed by said trustees; but no person shall receive a diploma conferring such degree, unless he shall have attained the age of twenty-one years, and shall have received a good English education, and have pursued the study of medical science for three years after he shall have arrived at the age of eighteen years, with some physician and surgeon duly licensed by law, and shall also, after that age have attended two full courses of lectures delivered in some incorporated medical college, the last of which courses shall have been delivered by the professors of the college hereby incorporated. In testimony of conferring the above degree, a diploma shall be provided and signed by the president and secretary.

May admit
gratuitously

§ 5. The trustees may gratuitously admit to the privilege of instruction in the college, any number of young men, of good moral character, who shall have distinguished themselves for good scholarship in the free academy of the city of New York, and are in necessitous circumstances.

By-laws.

§ 6. It shall be lawful for the trustees, in furtherance of the design of their incorporation, to make such by-laws as may be deemed necessary for the government of its officers and for the conducting of its affairs and to alter or amend the same at pleasure. They may also prescribe such rules and regulations for the division of its property into capital shares, for the sale and transfer thereof, as they may deem necessary.

Regents to
visit.

§ 7. The college may be visited by the Regents of the University, and shall annually report to them; and the faculty of the college may appoint a delegate to represent

them in the state medical society, with all the powers and privileges which delegates from the respective medical colleges of this state possess.

§ 8. The legislature may at any time amend, alter or repeal this act.

§ 9. This act shall take effect immediately.

Chap. 161.

AN ACT for the appraisal and payment of canal damages, occasioned by an overflow of water from a break in the Erie Canal, in the county of Orleans, on or about the twenty-first day of July, eighteen hundred and fifty-seven.

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby directed to examine and determine the several claims of Roswell S. Burrows and Lorenzo Burrows, Russel Smith, Joseph Billings, Stephen B. Fuller, Asahel Byington and Ruth Byington, Andrew J. Rowley, J. A. Rowley, John L. Murdock, Elias Bacon, Samuel Hill and Edson B. Rogers, of the towns of Barre, Carlton and Gaines, in the county of Orleans, for alleged damages to their respective lands, crops and fences occasioned by an overflow of water from a break which occurred in the Erie canal on or about the twenty-first of July, eighteen hundred and fifty-seven; and if it shall appear that damages have been sustained by said parties respectively, for which the state is justly liable, then the said appraisers shall award such sum therefor to such of the parties herein named, entitled thereto, as shall to them seem just and equitable; such appraisal and award, if

any be made, to be subject to appeal to the canal board, as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, to the parties entitled thereto, such damages as may be awarded under and by virtue of the first section of this act, to them respectively, out of any moneys appropriated or to be appropriated to the enlargement of the Erie canal.

Chap. 162.

AN ACT for the relief of Sophrona E. Rose, widow, and of Clarence H. Rose, only child and heir at law of Doctor Lauren F. Rose, deceased.

Passed April 13th, 1858, two-thirds being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay on the warrant of the comptroller, out of any money in the treasury not otherwise appropriated, the sum of five thousand dollars to Sophrona E. Rose, the widow, and to Clarence H. Rose, the only child and heir at law of Doctor Lauren F. Rose, as compensation for the loss sustained by them in the death of said Doctor Lauren F. Rose, who died of injuries received at the burning of the State Lunatic Asylum at Utica, in July last, while in the act of saving the property of the state and rescuing the inmates of said institution.

§ 2. This act shall take effect immediately.

Chap. 163.

AN ACT to amend the act entitled "An act for the preservation of Fish in the waters of Crooked Lake," passed April 15, 1857.

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act for the preservation of fish in the waters of Crooked Lake," passed April fifteenth, eighteen hundred and fifty-seven, is hereby repealed.

§ 2. The second section of said act is hereby amended so as to read as follows:

No person shall, during the months of November, December or January, in any year, take, catch or procure, with any seine or net, or with hook and line, or in any other manner, any trout, or other fish, in any part of the waters of said lake.

§ 3. This act shall take effect immediately.

Chap. 164.

AN ACT to repeal an act entitled "An act to authorize the election of a Special County Judge in the county of Ulster."

Passed April 12th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to authorize the election of a special county judge in the county of Ulster," passed April 6, 1850, is hereby repealed, and the office of special county judge in and for the said county of Ulster is hereby abolished.

§ 2. This act shall take effect on the first day of January, eighteen hundred and fifty-nine.

Chap. 165.

AN ACT to change the name of "The Cambridge Valley Rural Cemetery Association," to that of "The Woodlands Cemetery Association."

Passed April 12th, 1858.

SECTION 1. The corporate name of "The Cambridge Valley Rural Cemetery Association," is hereby changed to that of "The Woodlands Cemetery Association," by which name the said corporation shall hereafter be known and designated.

§ 2. Nothing herein contained shall in any wise affect the rights and obligations of said corporation, but the same shall in every respect remain the same as if said name had not been changed.

§ 3. This act shall take effect immediately.

Chap. 166.

AN ACT to legalize certain actions of the Board of Supervisors of the city and county of New York, in relation to the payment of moneys to David A. Fowler.

Passed April 12, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The several resolutions passed in the years eighteen hundred and fifty-three, eighteen hundred and fifty-four, eighteen hundred and fifty-five, eighteen hundred and fifty-six and eighteen hundred and fifty-seven, by the board of supervisors of the county of New York, directing the payment of moneys to David A. Fowler, as secretary to the board of county canvassers, be, and the same are hereby declared to be lawful, and of binding force.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT for the relief of Edward P. Marble.

Passed April 12th, 1858, three-fifths being present.

SECTION 1. The treasurer is hereby authorized and required to pay, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to Edward P. Marble, or his assignees, the sum of one hundred and ninety-five dollars and fifteen cents, being the amount allowed to him by the inspectors of state prisons, on the twenty-sixth day of October, eighteen hundred and fifty-three, including the interest thereon, in full satisfaction, for moneys advanced by him while a clerk of the Clinton prison.

§ 2. This act shall take effect immediately.

Chap. 168.

AN ACT to authorize the city of Troy to raise money by tax.

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Tax to be raised.

SECTION 1. It shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Troy, to raise by tax, in the manner prescribed by law for levying the taxes to meet the contingent expenses of said city, such sums as shall be necessary to pay any principal and interest which has become due, and any which may, within one year after the passage of this act, become due, on account of any bonds issued by the corporation of said city, pursuant to the two hundred and fifty-fifth chapter of the laws of the state of New York, for the year eighteen hundred and fifty-one, and which shall not be paid by the rail road corporations, which agreed to indemnify said city against said bonds.

Corporation to borrow money.

§ 2. It shall be lawful for said corporation to borrow, on the credit of the city, in anticipation of the tax to be levied in the municipal year then next ensuing, any such sums as during said period of one year shall be paid by said corporation for the principal and interest mentioned in the first section of this act, falling due between the first day of August and the first day of March, in such year. And all sums so borrowed, shall be provided for in the tax of the municipal year, then next ensuing, and repaid with interest, on or before the first day of December, in such year.

If amount is refunded, &c.

§ 3. If the amounts which shall so be raised by tax, and applied in payment of principal or interest on said bond, or any part thereof, shall be refunded to the corporation of said city, or collected from any of the parties which agreed to indemnify said city against said bonds, or from any other source, the sums which may be so refunded or collected shall be appropriated towards the contingent expenses of said city, and shall be deemed part of the amount which the corporation of said city are or may be authorized by law to raise by tax, to defray the contingent expenses of said city.

Chap. 169.

AN ACT releasing to Debby Langdon the interest of this state in certain real estate situated in Kingston, Ulster county.

Passed April 13th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest (if any) of the people of this state, acquired by escheat, in and to the real estate of which Michael Langdon, late of the village of Kingston, Ulster county, died seized or possessed, consisting of a house and lot situate in said village, on the corner of Rondout avenue and Elmendorf street, conveyed by Nicholas Elmendorf and his wife to said Michael Langdon, by deed, dated the first day of June, eighteen hundred and fifty-three; and another house and lot situate in said village, on a street called Maiden lane, conveyed by Thomas G. Van Gaasbeck to said Michael Langdon and Debby Langdon, his wife, by deed dated the fifth day of June, eighteen hundred and fifty-four, are hereby released to the said Debby Langdon, the widow of said Michael Langdon, deceased.

§ 2. Nothing in this act shall affect the right of any creditor, purchaser, devisee, mortgagee or legal heirs of said Michael Langdon, deceased, in and to said real estate or any part thereof.

§ 3. This act shall take effect immediately.

Chap. 170.

AN ACT to constitute the village of Green Island, in the county of Albany, a separate road district.

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees of,
to be com-
missioners of
highways.

SECTION 1. The village of Green Island, in the county of Albany, is hereby declared to be a separate road district, exempt from the superintendence of the commissioners of highways of the town of Watervliet, and the trustees of said village shall be the exclusive commissioners of highways therein, and they alone shall possess and exercise all the powers of commissioners of highways of towns, in repairing, altering, describing, discontinuing and laying out streets and highways, and making assessments of labor and money therefor within the limits of said village, and in laying out such labor and money, raised for highways, streets and bridges therein.

Duties of
trustees as
commission-
ers, &c.

§ 2. The trustees of said village shall proceed in the same manner and with the same power and under the same restrictions as commissioners of highways of towns, in repairing, altering, discontinuing and laying out streets and highways in said village and assessing damages therefor, and they shall have power and are hereby authorized to assess upon each male inhabitant of said village, of the age of twenty-one years and upwards, one day's service and labor upon the highways, streets and alleys of said village, over and above the assessment upon the real and personal property, to be performed under the direction of such trustees, and to have the power to commute for such service and labor, for the sum of fifty cents for each day so assessed to each and every person, and every person so assessed and having received twenty-four hours previous notice from the street commissioner of the said village, to appear and perform such labor and service as aforesaid, and who shall not commute and who shall neglect or refuse to perform

such service and labor in person or by an able bodied substitute, shall forfeit the sum of one dollar besides costs, for each day so assessed, to be collected by said street commissioner, in accordance with the provisions of article third, title one, chapter sixteen, of the first part of the Revised Statutes, as near as practicable.

§ 3. The trustees of said village shall annually appoint a <sup>Street com-
missioner.</sup> street commissioner for said village, who shall possess all the powers and discharge all the duties that are given and enjoined on the overseers of highways in towns, and such as shall be prescribed to him from time to time by the said trustees, being accountable to the said trustees in the same manner as overseers of highways are by law to commissioners of highways of the town; and said commissioner shall receive such reasonable compensation as the said trustees shall allow, not to exceed one dollar and fifty cents for each and every day that he shall be actually engaged in the duties of such street commissioner, and the said street commissioner shall, if required by the appointing power, the said trustees, enter into and give bonds with satisfactory security for the faithful performance of his duties, and payment of all money or moneys that may come into his hands for the purpose above mentioned. The compensation of said street commissioner in accordance with the foregoing stipulation shall be paid out of any moneys or money that may be received for highway purposes in and for said village.

§ 4. It shall be the duty of the commissioners of highways <sup>Money to be
paid to
street com-
missioner.</sup> of the town of Watervliet in said county on or before the first day of June in each year, to pay over to the street commissioner of said village, such sum or sums of money as may have been collected from the inhabitants or taxable property in said village, by the town for the support and maintenance of highways and bridges in each and every year, also its proportion of any money received from the county for the support of bridges in said town, also a ratable proportion of the amount collected from any rail road or other incorporated company, according to the assessed value of any such rail road or company within said village, and if the commissioners of said town neglect to pay over to the street commissioner of said village so above specified, such amounts of money the trustees of said village shall be the proper parties to sue for and collect the same for the purposes aforesaid.

§ 5. Nothing contained in this act shall be construed to authorize any interference with the location or grade of any rail road track within said village, or with any buildings in said village, belonging to any rail road or manufacturing establishment now established.

Power of trustees.

§ 6. The trustees of the village of Green Island shall have no power, either as commissioners of highways or as trustees of said village, to adopt, open, grade, regulate or in any way interfere with any streets in that part of said village lying between Hamilton street on the north and Whitehall street on the south, and between Pine street on the west and the Hudson river on the east, as laid down on a map of said village, made by S. A. Beers, for the proprietors of the village plot.

§ 7. This act shall take effect immediately.

Chap. 171.

AN ACT to legalize the acts of William A. Fuller, as justice of the peace.

Passed April 13th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All proceedings which have been had by and before William A. Fuller, acting as a justice of the peace in and for the town of Ontario and county of Wayne, since the first day of January, in the year eighteen hundred and fifty-eight, shall be held to be of the same force and validity as if the said William A. Fuller had qualified as such justice of the peace in the manner and within the time required by law, but nothing in this act shall be construed to affect any suit or proceeding commenced before the passage thereof.

§ 2. This act shall take effect immediately.

Chap. 172.**AN ACT to release certain escheated lands to
Mary Pinkham.**

Passed April 13th, 1858, by a two-third vote.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows :*

SECTION 1. All the right, title, interest, estate and property of the people of this state, in and to any land and real estate situated in the county of Wyoming, and state of New York, of which John Pinkham, late of the said county of Wyoming, was seized at the time of his death, on or about the fifth day of June, A. D., eighteen hundred and fifty-six, and which the state acquired by escheat of the same, on the death of the said John Pinkham, is hereby released in fee to Mary Pinkham, the widow of the said John Pinkham, and the said Mary Pinkham, may take, hold, and convey the said lands, in the same manner and with the same effect as if she was now, and the said John Pinkham, deceased, had been, at the time of his death, a citizen of the United States.

§ 2. Nothing in this act contained shall affect the right of any creditor, purchaser, devisee, mortgagee, or heirs of the said John Pinkham, deceased, in and to said real estate, or any part thereof.

§ 3. This act shall take effect immediately.

Chap. 173.

AN ACT to confirm the election and official acts of George M. Burt, as commissioner of highways.

Passed April 13th, 1838, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The election of George M. Burt, to the office of commissioner of highways, in the town of Jay, in Essex county, in March, eighteen hundred and fifty-seven, is hereby confirmed, and said election, and the official acts of said Burt, as commissioner of highways, shall be as valid, in all respects, as though said town had taken no vote, in regard to the number of commissioners of highways of said town. This act shall not affect any suit or proceeding already commenced.

§ 2. This act shall take effect immediately.

Chap. 174.

AN ACT to authorize the stockholders of the Marine Bank of Buffalo, to reduce the capital stock of the said bank.

Passed April 13th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Marine Bank of Buffalo is hereby authorised by resolution of its board of directors, to reduce its capital stock to two hundred thousand dollars, provided that

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before such reduction shall take effect, a certificate that the capital has been so reduced, signed by two-thirds of the board of directors, duly acknowledged or proved before a commissioner of deeds, or judge of a court of record, shall be filed in the office of the secretary of state, and a duplicate thereof in the office of the clerk of the county of Erie; and provided further that a majority, in amount, of the stockholders shall consent to such reduction, which consent shall be in writing and annexed to the said certificate.

§ 2. Nothing in this act contained shall in any way change or lessen the liability of the stockholders of the said bank to the bill holders or other creditors thereof, or any indebtedness or engagement now existing against said bank, or that may so exist, either absolutely or contingently, prior to or at the time when such reductions shall take place.

§ 3. This act shall take effect immediately.

Chap. 175.

AN ACT to authorize the Common Council of the city of Auburn to purchase and convey to the state of New York, a site for an armory.

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Auburn, are hereby authorized to purchase and convey to the state of New York, for the purpose of the erection thereon of an armory, pursuant to the provisions of an act of the legislature, entitled "An act to authorize the sale of the state arsenals in New York and Albany, to provide for the purchase of the New York arsenal property in New York, by the city of New York, and for the appropriation of the proceeds of such sales," passed April fifteenth, eighteen hun-

* So in the original.

dred and fifty-seven, such lot or lots in said city of Auburn as the commissioners named in the fifth section of said act may deem appropriate and necessary for that purpose, the purchase price of such lot or lots to be paid by said common council, not to exceed the sum of one thousand dollars.

§ 2. The said common council shall have power to cause to be raised by tax, in the same manner as the ordinary expenses of said city are levied and collected, and in addition thereto, the sum of one thousand dollars, for the purposes specified in the first section of this act.

§ 3. Such conveyance to the state of New York, shall be made on the express condition that the state of New York will, within two years thereafter, erect on such lot an armory, for the use of the state.

§ 4. This act shall take effect immediately.

Chap. 176.

AN ACT to provide for additional compensation to Jurors in attendance upon Courts of Record in Rensselaer, Westchester, St. Lawrence, Queens, Niagara, Ulster, and Livingston counties.

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the counties of Rensselaer, Westchester, St. Lawrence, Queens, Niagara, Ulster and Livingston counties may, at their first, or any subsequent meeting, after the passage of this act, direct a sum, not exceeding one dollar and fifty cents per day, to be allowed to every grand and petit juror for attending the courts of record held within such counties, in addition to any other fees which such jurors may receive, and they may also direct an allowance to be made to such jurors for traveling in coming to and returning from such courts, not exceeding

three cents per mile. The money so compensating jurors shall be raised in the same manner as other county charges are by law to be raised and collected.

§ 2. This act shall take effect immediately.

Chap. 177.

AN ACT to amend an act entitled "An act to develop the resources of the Montezuma Salt Springs," passed April 15, 1857.

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to develop the resources of the Montezuma Salt Springs," passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended so that the same shall read as follows:

§ 1. The sum of seven thousand dollars is hereby appropriated for the purpose of developing the resources of the Montezuma Salt Springs, to be drawn and applied in the manner specified in said act.

§ 2. The third section of said act is hereby amended so as to read as follows:

§ 3. The superintendent of the Onondaga Salt Springs, associated with John S. Clark and William H. Carpenter, of Cayuga county, as commissioners, are hereby authorized and required to carry into effect the provisions of this act, and in pursuance of the second section thereof, shall, from time to time, as may be necessary, draw upon the comptroller for the above sum, not exceeding one thousand dollars at each time, which shall be expended for the purposes and in the manner hereinbefore mentioned.

§ 3. The fourth section of said act is amended by adding thereto the following words, to wit: "And the commissioners aforesaid."

§ 4. This act shall take effect immediately.

Chap. 178.

AN ACT to release to Theresa Bolton, the interest of the state of New York to certain real estate in the city of New York.

Passed April 13th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the people of the state of New York, acquired by escheat in consequence of the alienage of Theresa Bolton, the mother of John Theodore Bolton and Theodore Ferdinand Bolton, deceased (infants under the age of nine years at the time of their decease), and issue of the marriage solemnized between Theresa Bolton and Matthias Bolton (who departed this life before the death of his said children), to the lot of land on the north side of Forty-second street, commencing at a point two hundred and twenty-five feet west of the Eighth avenue, in the city of New York, and known on a map filed in the register's office of the city and county of New York, entitled "Map of a tract of land commonly called the Hermitage, situate in the ninth ward of the city of New York, compiled from authentic surveys, February, eighteen hundred and twenty-five, by Daniel Ewen, city surveyor," by the number five hundred and seventy-nine (579), containing in front and rear twenty-five feet, and in length on each side one hundred feet four inches, is hereby released and confirmed to said Theresa Bolton, to have and to hold the same free from any molestation or hindrance by the people of the state of New York, but subject to all or any valid contracts in relation thereto made by the said Matthias Bolton in his lifetime. Nothing in this act shall affect the right of any person having a lien upon said premises by judgment, mortgage or otherwise.

§ 2. This act shall take effect immediately.

Chap. 179.

AN ACT for the removal of obstructions from the outlet of Cayuga Lake, and the channel of Seneca river

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the canal commissioners to cause to be removed from the outlet of Cayuga lake or channel of the Seneca river, at and in the vicinity of the junction of the Cayuga and Seneca canal, with the said river or outlet, the piers or abutments of the old towing path bridge, and such other obstructions as tend to prevent the natural flow of the water in said river; and also to dredge out the channel of the river for a sufficient distance above and below the aqueduct constructed for the purpose of carrying the Erie canal over the Seneca, Canandaigua and Clyde rivers, so as to allow the waters of those rivers at all times to pass off without obstruction or impediment, and as readily and as freely as they would naturally do if no improvement for the purposes of the canals were made; and the expense shall be paid out of any money appropriated to the enlargement of the Erie canal.

§ 2. The expense of the above work shall not exceed the sum of thirty thousand dollars.

Chap. 180.

AN ACT to authorize "The First Congregation of Disciples of Christ," of Pompey, Onondaga county, to elect trustees.

Passed April 13th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The First Congregation of Disciples of Christ, of Pompey, Onondaga county, heretofore incorporated, shall not be deemed dissolved, nor shall any of its rights or privileges be impaired or affected, by reason of any omission or neglect heretofore to supply any vacancy that may have occurred in the office of trustees thereof; and said congregation is authorized to elect new trustees at any time within one year after the passage of this act.

§ 2. This act shall take effect immediately.

Chap. 181.

AN ACT for the relief of the heirs of James McGaffagan, deceased.

Passed April 13th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the estate, interest and property of the people of this state, of whatsoever kind or nature, acquired at the death of James McGaffagan, by escheat, in and to those certain lots, pieces or parcels of land situate, lying and being in the nineteenth ward of the city of New York,

formerly the property of Dudley Selden, Esq., and mentioned and described in a certain conveyance therefor executed by the said Dudley Selden to the said James McGaffagan, dated the fifth day of May, in the year one thousand eight hundred and twenty-five, and recorded in the office of the register of the city and county of New York, in liber one hundred and ninety-two of conveyances, page four hundred and thirty-six, on the twenty-first day of May, in the year one thousand eight hundred and twenty-five, are hereby released, and assigned to and vested in the heirs at law of the said James McGaffagan, and their heirs and assigns forever.

§ 2. Nothing in this act shall affect the right of any creditor, mortgagee, devisee or purchaser of said James McGaffagan, deceased.

Chap. 182.

AN ACT for the appraisal and payment of canal damages to William T. Cuyler.

Passed April 13th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to hear and investigate, and decide upon the claims of William T. Cuyler for damages to his property in the village of Cuylerville, occasioned by the overflow of waters from Beard's creek and Sam's creek, in the town of Leicester, in the month of May and in the month of November, both in the year eighteen hundred and fifty-seven; and if, upon due proof, it shall appear that the said damages resulted from defect or incapacity of the culverts for the passage of these said creeks, or either of them, under the Genesee Valley canal, or from the neglect of the state or its officers or agents, or any of them, in keeping the said culverts, or the channels or outlets of the said creeks, or

either of them, properly cleaned out and in proper condition for discharging the said waters, they shall make such award therefor as shall be just; such appraisement and award, if any be made, shall be subject to appeal to the canal board as in other cases.

§ 2. The sum which shall be awarded under the provisions of the first section of this act, or the sum determined by the canal board in case of an appeal from the award of the canal appraisers, shall be paid by the treasurer on the warrant of the auditor, to William T. Cuyler, or his legal representatives, out of any money in the treasury applicable to the completion of the Genesee Valley canal.

§ 3. This act shall take effect immediately.

Chap. 183.

AN ACT in relation to the Mechanics' Banking Association, the North River Bank, the East River Bank, and the Grocers' Bank, banking associations in the city of New York.

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The omission by the Mechanics' Banking Association, the North River Bank, the East River Bank and the Grocers' Bank, respectively, while under injunction, to publish or to cause to be published the statement mentioned in the first section of chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, shall not be deemed to be, and shall not be, a refusal or neglect to make such statement, within the meaning of the second section of said chapter two hundred and fifty; and any forfeiture incurred by either said association or said banks, by reason of such omission while under injunction, is hereby waived, and made of non-effect.

§ 2. Whenever the receiver of said association, or of either ^{Receiver, &c} of said banks, under and by virtue of the order or judgment of the court appointing him, shall have transferred, or shall hereafter transfer, to such association or bank, the property and effects in his hands or under his control as such receiver, it shall be lawful for the directors thereof, at any time within thirty days from the passage of this act, or within thirty days after the said association or bank shall resume the business of banking, to reduce the capital thereof to an amount which in their judgment shall be then equal to the value of such property and effects, above and beyond the debts and liabilities of such association or bank; and thenceforth the capital of such association or bank shall be such reduced amount, and the par value of the shares thereof shall be reduced in the same proportion; provided, that in no case shall such reduction be to an amount less than two hundred thousand dollars, and that no such reduction shall prevent the said directors from subsequently increasing, in the manner provided in the original articles of association of such association or bank, the amount of the capital thereof to any sum not exceeding the amount mentioned and fixed in such original articles, and said bank or association shall be authorized to re-issue any of its shares which may have been taken by the receiver in payment or settlement of any debt due to him as received.

§ 3. Whenever the directors of said association or bank ^{Reduction capital stock} shall propose to reduce the capital thereof, as in the last section provided, notice thereof shall be given to the superintendent of the bank department, whose duty it shall be forthwith to make, or cause to be made, an examination of the books, property and effects of such association or bank, upon which examination, the officers may be examined on oath as to the debts, liabilities, property and effects thereof; such superintendent shall thereupon fix in writing the value in his judgment of such property and effects above and beyond the debts and liabilities aforesaid, and it shall not be lawful to reduce such capital to an amount less than the value so fixed by the said superintendent. The expense of the examination herein provided for by the superintendent of the banking department, shall be paid by said banks and associations respectively.

§ 4. At the examination, by the superintendent of the ^{Superintendent to examine.} bank department, mentioned in section three of this act, said superintendent shall also make examination in regard

to the manner in which the liabilities of said banks or banking associations have been settled; and if it shall be found that any liability has been settled by any one of said banks or by said association within one year previous to the date of this act, by payment of less than the full amount of said liability, then such bank or banks, or association, shall not be entitled to the benefit of any provision of this act.

§ 5. This act shall take effect immediately.

Chap. 184.

AN ACT to authorize the Canal Commissioners to construct a road bridge over the enlarged canal, near Griffith street, in the city of Rochester.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal commissioners are hereby authorised and required to construct or cause to be constructed, and maintained at the expense of the state, over the enlarged Erie canal, near Griffin street, in the city of Rochester, a common single track wood bridge; to be paid from any moneys appropriated for the enlargement of the Erie canal.

§ 2. This shall take effect immediately.

Chap. 185.

AN ACT to authorize the Canal Commissioners to contract with Edward H. Edwards for the repairs of a portion of the Black River Canal and feeders.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the Black River canal and slack water navigation in said river, from the entrance of said canal into the Black river, to its northerly termination into the Black river below Lyon's Falls, including all the piers, locks and other structures thereto belonging; and *als the north branch and Woodhull reservoirs, with all the dams, chutes, docking, bridges, and all other structures and appurtenances thereunto belonging, together with the pond above the dam, at the head of the Black River feeder, with all the docks, waste gates, piers, and all other structures connected therewith, may be attached and annexed by the canal commissioners to superintendent's section number two, Black River canal; and the canal commissioners are hereby authorized to contract with Edward H. Edwards, the present contractor, for repairing said section number two, to keep the said annexed portion of said section in repair during the remaining term said contract has to run, according to the terms and condition of said repair contract. But the said commissioners shall not pay to exceed the sum of two thousand dollars a year, in addition to the sum already provided in the present contract for keeping the portion of the said annexed canal in repair, and attending the locks, waste weirs and feeders, and at that rate for a longer or shorter period.

Certain portion annexed by canal commissioners to sec. 2 Black river canal.

§ 2. This act shall take effect immediately.

* So in the original.

Chap. 186.

AN ACT to authorize the Supervisors of the county of Oswego to raise money and make Appropriations for the use of the Oswego Orphan Asylum.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisors of the county of Oswego shall hereafter have authority to raise money by tax and appropriate the same to the use of the Oswego orphan asylum; but no money shall be ordered to be raised for the purposes herein specified, except at the annual meeting of the board of supervisors and by a majority of all the supervisors elected in the county, and not to exceed one thousand dollars in any one year.

Chap. 187.

AN ACT to amend an act entitled "An act for the Benefit of Married Women in Insuring the Lives of their Husbands.

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for any married woman, by herself, and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured, for her sole use, the life of her husband for any definite period, or

for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of the husband, or of any of his creditors; but such exemption shall not apply where the amount of premium annually paid out of the funds or property of the husband shall exceed three hundred dollars.

§ 2. In case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after death to her children for their use, and to their guardian, if under age.

Chap. 188:

AN ACT in relation to the Monroe County Workhouse.

Passed April 14th, 1858, three-fifths being present.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the workhouse of the county of ^{name.} Monroe, as designated in the act chapter two hundred and seventy-nine, of the laws of the year eighteen hundred and fifty-three, is hereby changed to "The Monroe County Penitentiary," by which name it shall hereafter be known and designated, and all acts and parts of acts passed by the legislature of this state, and all acts of the board of supervisors of Monroe county, or of any other county in this state, or of the inspectors or superintendent or other officers thereof, and all sentences or other acts of any of the courts of this state, referring or applicable to the said workhouse of the county of Monroe, shall apply to "The Monroe County Penitentiary," and to the prisoners, officers, and inspectors thereof, so far as the name* shall be applicable.

§ 2. Whenever any person shall be convicted, in the coun-

* So in the original.

ty of Monroe, of any offence punishable by imprisonment in the county jail, or by such imprisonment and a fine, or shall be sentenced by any court of competent authority in said county, for any offence, to pay a fine and to be committed until such fine is paid, such person shall be committed to the Monroe county penitentiary, instead of the county jail, and may be so sentenced by the court before whom such person shall be tried, and shall be received into said penitentiary, and be there kept and employed at labor in the same manner as other convicts in said penitentiary, and shall be in like manner subject to the rules and discipline of said penitentiary.

Persons convicted, &c.

§ 3. In all cases arising in the county of Monroe, where any person shall be convicted before any court or magistrate of said county, or of the city of Rochester, of the offence of drunkenness, vagrancy, or disorderly conduct, or shall be required to give security to keep the peace, or for good behavior, if such security shall not be given to the satisfaction of such court or magistrate, such person may be committed or sentenced as the case may require, by such court or officer, to imprisonment at labor, in the Monroe county penitentiary, for a term not exceeding three months, in the discretion of such court or magistrate. All persons so sentenced or ordered to be committed, shall be received into said penitentiary, and be employed at labor therein, and be subject to the rules and discipline thereof, until discharged according to law.

§ 4. This act shall take effect immediately.

Chap. 189.

AN ACT for the relief of the Westchester County Railroad Company.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The period in which by the provisions of the forty-seventh section of the act entitled " An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, the said Westchester County Railroad Company are required to begin the construction of their said road, and expend thereon ten per cent of the amount of its capital, is hereby extended to two years from the time of the passage of this act.

§ 2. This act shall effect immediately.

Chap. 190.

AN ACT to enlarge the powers of the Boards of Supervisors.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness, upon any subject or matter within the jurisdiction of such board or to examine any officer of the county, in relation to the discharge of his official duties, for to the receipt or disbursement by him of any moneys, or

Witnesses
may be sum-
moned by
chairman of
board.

concerning the possession or disposition by him of any property belonging to the county; or to use, inspect or examine any book account, voucher or document, in the possession of such officer or other person, or under his control relating to the affairs or interests of such county, the chairman or president of such board shall issue a subpoena in proper form, commanding such person or officer to appear before such board at a time and place therein specified, to be examined as a witness, and such subpoena may contain a clause requiring such person or officer to produce on such examination all books, papers and documents in his possession, or under his control, relating to the affairs or interests of the county.

Duty of sheriff.

§ 2. It shall be the duty of the sheriff, or any deputy sheriff, or constable of the county, to whom the subpoena may be delivered, to serve the same by reading it to the person named therein, and at the same time delivering him a copy thereof; and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

Committee, power of.

§ 3. Whenever the board of supervisors shall have appointed any member of their body, a committee upon any subject or matter of which the board has jurisdiction, and shall have conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all the powers, and be liable to all the duties herein given to and imposed upon the chairman or president of the board of supervisors.

Person subpoenaed.

§ 4. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books and papers as herein provided, shall neglect or refuse to appear, or to produce such books and papers, according to the exigency of such subpoena, or shall refuse to testify before such board or committee, or to answer any question which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board or of the committee as the case may be, to report the facts to the county judge, or to a judge of the supreme court, or of the superior court, or of the court of common pleas of any of the cities of this state, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and

forthwith bring him before the judge by whose order such attachment was issued.

§ 5. On the return of the attachment, and the production ^{Attachment.} of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a circuit or special term of the supreme court.

§ 6. The board of supervisors and any committee ap- ^{Board may} pointed by the board with power to send for persons and ^{adjourn, &c.} papers, may adjourn from time to time, and such committee may hold meetings in pursuance of such adjournment, or on call of the chairman thereof, during the recess, or after the final adjournment of the said board of supervisors; but whenever an attachment shall have been issued according to the provisions of this act, and is not returned, such adjournment of the board or committee at whose instance it was issued shall be to a time and place certain, of which notice shall be given by the chairman to the judge before whom the said attachment shall be returnable, and in such case if the person against whom it issued, shall be arrested, he shall not be discharged from custody until he shall have entered into a bond to the board of supervisors of the county, in the penalty of two hundred and fifty dollars, with two sufficient sureties to be approved by the said judge, with a condition that he will appear and submit to an examination before such board or committee as the case may be, at the time and place to which it shall have adjourned.

§ 7. Such bond shall be filed in the office of the clerk of ^{Bond.} the county, and if default shall be made in the condition thereof it shall be the duty of the district attorney of said county to sue for and collect the same, and the money when received, and all moneys received for fines and penalties under and by virtue of the provisions of this act, shall be paid into the treasury of the county for the benefit of the poor of said county.

§ 8. All orders, decisions and judgments made and given ^{Orders, decisions, &c.} in proceedings under this act, by any judge out of court or term, shall be in writing subscribed by him, and shall be filed in the office of the clerk of the county where such proceedings are had, and the clerk shall thereupon enter the

proper and necessary orders and rules, and such orders, decisions and judgments, shall have the like force and effect, as if made and given by the court at a regular term or session thereof.

Power to administer oaths.

§ 9. The chairman of the board of supervisors, and the chairman of any committee of such board, shall severally have power to administer oaths and affirmations to witnesses to be examined before such board or committee, and every witness so examined shall be obliged to answer all such questions as he would be held bound to answer in the same case in a court of justice according to the rules of evidence; but the testimony of any witness examined under the provisions of this act, shall not be given in evidence or used against him, on the trial of any indictment or criminal prosecution, other than for perjury committed on such examination.

§ 10. This act shall take effect immediately.

Chap. 191.

AN ACT to reimburse the county of Columbia certain moneys expended in bringing two convicts from Clinton State Prison, by order of the court.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the state of New York is hereby directed to pay, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the sum of one hundred and eight dollars, to the treasurer of Columbia county, for the purpose of reimbursing said county said amount paid for transporting two convicts from Clinton state prison, by order of the court.

§ 2. This act shall take effect immediately.

Chap. 192.

AN ACT relating to the Clyde High School, in the town of Clyde.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of trustees of the Clyde High ^{Trustees.} School, shall have the power, and they are hereby authorized to raise from time to time by tax, to be levied equally upon all the real and personal property in said high school district, which shall be liable for ordinary school district taxes, such sum or sums of money, not exceeding one-half of one per cent in any one year, as the trustees may deem necessary for the payment of teachers' wages, after applying all other moneys belonging to said district applicable to teachers' wages ; not more than two taxes for such purpose shall be raised in any one year.

§ 2. Said high school shall be free to all children between ^{Children, &c.} the ages of four and twenty-one years, residing in the district.

§ 3. Said board of trustees may call special meetings of the inhabitants of said high school district, whenever they ^{Trustees to give notice.} may deem it necessary, or whenever petitioned by twenty-five of the taxable inhabitants of said district; they shall give notice of the same by posting up a written or printed notice thereof, in at least three public places in said district, at least one week previous to the time fixed for such meeting; such notice shall state the time and place of holding such meeting, and the purpose for which the same is called, and no business shall be transacted at any such meeting except that stated in the notice calling the same.

§ 4. Whenever, in the opinion of the trustees, it becomes ^{Additional school house &c.} necessary to build an additional school house or houses in the district, or enlarge or repair the one already built, they shall submit the plans and estimated cost thereof to the electors of said district, at a special meeting to be called for that purpose, and if a majority of such electors, present at

said meeting, shall vote in favor of the same, the trustees may carry the same into full effect.

Estimate.

§ 5. The trustees shall prepare and submit at each annual meeting of said district, an estimate of the amount necessary for defraying the contingent expenses of the school for the ensuing year, specifying the purposes for which the same is to be expended.

Report of trustees.

§ 6. The trustees shall, at the annual meeting, submit a full report in writing of their doings as trustees, and shall state therein the number of teachers employed in said school, the amount of salary paid to each teacher, the number of scholars attending the same, the studies pursued, the amount of moneys received from the state, and from all other sources, as well as the amount raised in the district, the expenditures of the same, and all the particulars in detail relating to said school.

§ 7. All acts and parts of acts, relating to the Clyde High School, inconsistent with this act, are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 193.

AN ACT to amend an act to provide for the incorporation of companies to construct plank roads, and of companies to construct turn-pike roads, passed May 7, 1847, and the acts amendatory thereof.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person liable to perform highway labor, and residing or owning property on the line of either of the plank roads hereinafter named, to wit: The Antwerp, Rossie and Hammond plank road, the Morristown and Hammond plank road, and the Gouverneur, Richville and Canton plank

road, are hereby required to perform such highway labor, or commute for the same, under the direction of the directors of the plank road upon which such person or persons reside or own property as aforesaid.

§ 2. This act shall take effect immediately.

Chap. 194.

AN ACT to change the name of the town of Clinton, in the county of Rensselaer, to that of East Greenbush.

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of the town of Clinton, in the county of Rensselaer, is hereby changed to East Greenbush, and said town shall hereafter be called and known by the name of East Greenbush, with the same territory and boundaries as heretofore.

§ 2. This act shall take effect immediately.

Chap. 195.

AN ACT to authorize the building or leasing of a House of Detention in the town of Saratoga, in the county of Saratoga, and to confine therein persons charged with crime in certain cases.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The supervisor of the town of Saratoga, for the time being, together with Samuel I. Mott and Mayo Pond, of said town, are authorized to rent and fit up a suitable building, or to rent a suitable room, or lease or purchase sufficient land, and to erect thereon a suitable building for a house of detention or place of confinement of all persons charged before any magistrate in said town with any offence against the laws of this state, while awaiting examination or trial before a magistrate or court of special sessions of the peace.

§ 2. If such building shall be rented for the purposes hereby contemplated, no greater sum shall be raised therefor, by public tax, than sixty dollars per annum. But if it shall be deemed necessary by the persons aforesaid, to erect such building, no greater sum shall be raised than five hundred dollars, which shall be done in three years by assessments; such tax, in either case, shall be assessed in the same manner as other taxes are now assessed in said town, but the supervisor of said town, for the time being, may borrow on the credit of said town, such sum or sums as may be necessary, not exceeding said five hundred dollars, to be applied to the purposes aforesaid, payable within the three years mentioned.

§ 3. Nothing in this act shall be so construed as to change the present mode of making town or county charges.

Chap. 196.

AN ACT to authorize the construction and maintenance of a bridge over the Erie canal, in the town of Frankfort, Herkimer county.

Passed April 14th, 1858, three-fifths being present.

SECTION 1. The canal commissioners are hereby authorized and directed to construct or cause to be constructed and maintained at the expense of the state, a bridge over the Erie canal, on the same line of farms where the highway originally was, which leads from the river road to Frankfort Hollow, in the town of Frankfort, Herkimer county, the expense of which shall be paid from any moneys appropriated to the enlargement of the Erie canal.

§ 2. This act shall take effect immediately.

Chap. 197.

AN ACT to repeal the act to improve the road from Ogdensburgh to Canton, in the county of St. Lawrence, passed April twenty-sixth, eighteen hundred and thirty-one, and amendments thereto.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The law entitled "An act to improve the road from Ogdensburgh to Canton," in St. Lawrence county, passed April twenty-sixth, eighteen hundred and thirty-one, and all acts amendatory thereof, or in relation

thereto, are hereby repealed, except that the present commissioners of said road shall hold their office during the remainder of the term for which they were appointed, if necessary, to close up the business of said road, and except that the seventh section of chapter sixteen of the laws of eighteen hundred and fifty, shall remain in force until the money borrowed on the credit of the village of Ogdensburgh and the towns of Lisbon and Canton, for the planking of said road, is paid.

§ 2. There shall hereafter be no toll gates kept up nor tolls taken on said road, and said commissioners shall have full power to sell and convey the toll houses and gates, and all other property held by them as commissioners of said road, or in connection therewith, whether real or personal, and the proceeds thereof, together with any toll money now on hand, shall, after retaining sufficient to remunerate them for their service, by law allowed, be applied to the payment of the interest of balance of money due, which was borrowed for the purpose of planking said road, and the residue, if any, shall be expended by said commissioners in improving said road.

§ 3. This act shall take effect on the first day of May next.

Chap. 198.

AN ACT to continue the commission appointed to secure the more perfect establishment, government, regulation, and economy of common schools in the city of New York.

Passed April 14th, 1858, three-fifths being present.

SECTION 1. The act entitled "An act to provide for the appointment of a commission to secure the more perfect establishment, government, regulation and economy of common schools in the city of New York," passed April seven, eighteen hundred and fifty-seven, shall continue in force until the first day of January, eighteen hundred and fifty-nine, and the

powers of the commission appointed thereunder shall also continue in force, and it shall be lawful for the said commission to report to the governor, pursuant to the provisions of said act, at any time previous to the said first day of January, eighteen hundred and fifty-nine.

§ 2. This act shall take effect immediately.

Chap. 199.

AN ACT to authorize the Canal Commissioners to repair a drain made upon the lands of Thomas Noyes, Reuben M. Mundy and others, in the counties of Chemung and Steuben.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal commissioners are hereby authorized to clean out and put in proper repair the drain made by the state on the lands of Thomas Noyes, Reuben M. Mundy, and others, in the towns of Big Flats, county of Chemung, and of Painted Post, in the county of Steuben, so that said ditch or drain may answer the purpose for which it was intended: To repair and reconstruct the bridges across the aforesaid drain as have been washed away by reason of breaks in the bank of the Chemung canal feeder.

§ 2. Said repairs to be paid for out of any moneys that may be appropriated for repairs upon the Chemung canal.

§ 3. This act shall take effect immediately.

Chap. 200.

AN ACT to extend the Charter of the Firemen of the city of New York.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to incorporate the firemen of the city of New York," passed March the twentieth, seventeen hundred ninety-eight, and all acts and parts of acts relating to the said corporation, and which are now in force, shall be continued in force until the first day of May, eighteen hundred and eighty, unless sooner altered, modified or repealed by the legislature.

Chap. 201.

AN ACT to authorize the Comptroller to loan money to the Penn Yan Union School District, from the Common School Fund.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The comptroller of the state is hereby authorized to loan to the "Penn Yan union school district" the sum of eight thousand dollars, out of any money in the treasury belonging to the common school fund, or out of any other money in the treasury which he is authorized by law to invest, and to draw his warrant on the state treasurer in favor of the treasurer of said district, upon receiving

Comptroller
to loan mo-
ney, &c.

from the president and secretary of the board of education for said district, their official bond for the repayment of said sum of eight thousand dollars, in eight equal annual payments, together with interest at seven per cent on all sums unpaid annually; the payments to commence from and after the first day of January, eighteen hundred and fifty-nine. And the said board of education are hereby authorized and directed to apply the said money towards the erection and completion of a building suitable for and to be used for an academy in and for said district, and to levy by tax on the property of said district, in the usual manner of levying taxes in said district, a sum in each and every year to pay the annual instalments, and the interest due annually, until the whole sum of principal and interest shall be paid. So much of the act entitled "An act in relation to common schools in the village of Penn Yan," passed April seventeenth, eighteen hundred and fifty-seven, as shall be applicable, shall apply to this bill, and any portions thereof which are in conflict with it are hereby repealed. The sum of eight thousand dollars mentioned in this bill, if loaned to the said district, shall be regarded as part of the ten thousand dollars which the said board of education are authorized to raise for academy purposes. And they shall not be authorized to exceed the said sum of ten thousand dollars, either by loan or tax, for that purpose, unless by a vote of the inhabitants of the district.

§ 2. This act shall take effect immediately.

Chap. 202.

AN ACT to provide for a report of the Canal Board as to certain damages alleged to have been sustained by certain citizens owning and in possession of salt manufactories and farming lands on the Oneida and Seneca rivers, and Onondaga lake, in the city of Syracuse, and towns of Salina and Clay, in the county of Onondaga.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Canal appraisers to investigate, &c.

SECTION 1. The canal appraisers are hereby required to investigate the claims for damages allowed to have been sustained by the owners and occupants of salt manufactories, both coarse and fine, and of lands used for agricultural purposes, occasioned by the extraordinary height of the water on the line of the Onondaga lake, and the Oneida and Seneca rivers, in the towns of Salina and Clay, and the city of Syracuse, in the county of Onondaga, caused by the coffer dams and other obstructions temporarily placed in the Seneca river at Gascon rapids, by the state authorities, for the purpose of the enlargement of the Oswego canal, and also by the temporary increase of the height of the Phoenix dam, for the purposes of navigation during the year eighteen hundred and fifty-seven, and make a final report of the facts in the case to the canal board; and the said board shall receive the facts so reported, and if in their opinion the state is liable for such damages, they shall report that fact, with the evidence on which it is founded, to the next legislature, together with the estimate of the damages which they have sustained.

Report, &c., to be made to canal board.

§ 2. This act shall take effect immediately.

Chap. 203.

AN ACT to authorize the Comptroller to pay interest on certain moneys withheld by the State.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller is hereby authorized and required to compute the interest upon the canal commissioners' drafts given to William Baldwin in payment for work done in pursuance of his contract for draining the Cayuga marshes and swamp lands, and in pursuance of an award made by the canal commissioners, July thirty-first, eighteen hundred and fifty-six, authorized by chapter one hundred and eighty-five of the laws of eighteen hundred and fifty-six, from the date of said drafts until the time of their payment, and to draw his warrant upon the treasurer for the amount.

§ 2. The treasurer shall pay upon the warrant of the comptroller to said William Baldwin, such sums as the said comptroller shall allow under the preceding section, out of any moneys appropriated for the draining of the Cayuga marshes and swamp lands.

§ 3. This act shall take effect immediately.

Chap. 204.

AN ACT to extend the provisions of the act entitled "An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange, and Dutchess," to all the counties of this state, except the city and county of New York and the county of Erie.

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the provisions of the act entitled, "An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess," passed April seventeenth, eighteen hundred and fifty-four, are hereby extended and declared to be applicable to all the counties of this state except the city and county of New York and the county of Erie.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 205.

AN ACT to authorize the Hope Cemetery Association in the county of Steuben, to sell and convey certain lands to the village of Corning, in said county.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Hope Cemetery Association in the county of Steuben, is hereby authorized to sell and convey by deed to the village of Corning in said county, all the lands owned or held by said association situated in the town of Corning in said county.

§ 2. The said village of Corning is hereby authorized to purchase, take and hold the said lands for cemetery purposes, under the provisions and restrictions of chapter two hundred and nine of the laws of one thousand eight hundred and forty-seven.

§ 3. This act shall take effect immediately.

Chap. 206.

AN ACT for the relief of the Onondaga tribe of Indians.

Passed April 14th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The agent of the Onondaga Indians and the ^{Agent and} supervisor of the town of Onondaga, in the county of ^{supervisor to} Onondaga, are hereby authorized and required to employ ^{employ phy-} a man.

annually hereafter, some suitable and competent physician to attend upon and minister to the necessities of sick and indigent Indians of said tribe of Onondaga Indians or transient persons of other tribes, who may be temporarily residing with them, and procure and furnish to them, in addition to professional services, such necessary medicines, proper food and attendance, as he may deem fit and proper for their condition, and all bills made by such physician under the provisions of this section for such medical aid, medicines, food and attendance, shall be audited and allowed by the said agent of the Onondaga Indians and the supervisor of the town of Onondaga annually, on the day provided by statute for allowing and auditing town accounts in said town of Onondaga, and shall, upon the warrants of the said officers, be paid by the county treasurer to the party entitled thereto, out of the moneys in his hands specially provided for that purpose, as stated in the second section of this act.

Legislature
annually appropriate a
sum of
money.

§ 2. To carry into effect the provisions of this act, the legislature shall annually appropriate such sum as may be necessary, not exceeding three hundred dollars, to be paid out of the general fund, to the treasurer of the county of Onondaga, on his warrant, to be by him kept as a fund to be applied and paid only as is provided in the first section of this act.

Supervisors
may make
additional
appropriation.

§ 3. If in any year the board of supervisors of the county of Onondaga shall deem the appropriation provided in the second section of this act inadequate or insufficient to carry out the intention and aim of this act, they may appropriate, in addition thereto, such sum of money as they may think necessary therefor, out of any moneys which may come into the treasury of said county, arising from that portion of the moneys collected as fines for selling liquor to the Indians and for trespasses upon Indian lands, which now by law is paid over to the chiefs of the Onondaga Indians; but all such moneys shall be directly appropriated by the board of supervisors themselves, upon the recommendation of the supervisor of the town of Onondaga and the agent of the Onondaga Indians, to be applied and disbursed in the same manner and by the same person or physician, as is provided in the first section of this act.

Chap. 207.

AN ACT to authorize the owners of certain land lying along the Black creek, in the county of Ulster, to drain the same.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Mark W. Powell, of the town of Esopus, Roe-
lof Dubois, of the town of Lloyd, and Garret Dubois, of the Commis-
sioners.
town of Gardner, shall be commissioners for draining certain lands lying along Black creek, in the town of Lloyd afore-
said; the said commissioners shall bind themselves, by oath,
to perform well and faithfully, the duties prescribed by this
act.

§ 2. It shall be the duties of said commissioners to cause
the falls on the land of Eli A. Van Wagnen, in said town Lands to be
drained.
of Lloyd, to be dug a sufficient width and depth, and the
creek above said falls to be straightened in such places and
as far south or southerly as the commissioners shall deem
necessary to make the drainage of the lands along said creek,
above said falls, effectual and complete, and to cause a sur-
vey and a map of the land so drained to be made by a com-
petent engineer, exhibiting the quantity of each and every
of the several tracts of land belonging to the different own-
ers thereof.

§ 3. It shall be the duty of said commissioners, after said Duty of
commission-
ers.
drainage shall be completed, to apportion and assess the ne-
cessary expenses thereof among the several owners of the
lands so drained which are benefited thereby in proportion
to the benefits respectively resulting to each of the several
owners thereof, and to cause a copy of such assessment and
a map of the lands assessed, to be filed in the office of the
clerk of the county of Ulster; and also, and immediately
thereafter, to cause a copy of said assessment to be published
in some newspaper published in said county, for four suc-
cessive consecutive weeks, specifying the time and place at
which they will attend to receive said assessment, which

shall not be less than one day in each week for two successive consecutive weeks, immediately after the last publication as aforesaid.

Compensation of commissioners.

§ 4. The said commissioners shall receive two dollars per day for each day necessarily and actually spent in the performance of their duty under this act, and shall have power and are hereby authorized to borrow money to pay the expenses thus necessarily incurred in the progress of the work, which, together with the interest, shall be included in the aforesaid assessment; and they shall faithfully apply the moneys received by them, by virtue of this act, to the draining of said lands as aforesaid, within two years from the passage of this act.

Assessment unpaid.

§ 5. If any assessment so made shall remain unpaid at the expiration of the time of attendance of said commissioners, it shall be their duty to serve a notice of such deficiency, with a copy of the newspaper containing the aforesaid assessment, on the owner or occupant of any such lands on which the said assessment shall not have been paid; and if any such assessment shall remain unpaid for thirty days after the service of the said notice and copy of the newspaper containing such assessment, it shall be the duty of the said commissioners to cause a notice to be published in some newspaper published in said county, once in each week for four successive consecutive weeks, stating the amount of such assessment and the expenses of such notice and advertising such lands for sale, to pay such assessment, and naming a day and place on which the said commissioners, or some one of them will attend at the time and place so designated in such notice, and sell so much of the lands so drained of the person or persons whose assessment remain unpaid, as shall be necessary to pay such assessment and the expenses of the sale; and the said commissioners shall give to the purchaser of any such lands, a certificate of sale duly acknowledged by them, and such sale and certificate shall vest all the right, title and interest of the owner of such lands in the purchaser, subject, however, to the right of the owners or either of them, to redeem the lands so sold as aforesaid, within one year of the date of such sale, by paying of * such purchaser or his assigns, the amount paid by such purchaser, and ten per cent in addition thereto, but such sale shall not affect any mortgage or other lien on such lands.

Notice to be published.

* So in the original.

§ 6. In case either of said commissioners shall refuse, or by death or otherwise, be unable to perform the duties of ^{County Judge to fill vacancies.} said trust, it shall be the duty of the county judge of the county of Ulster, upon the application of any two of the owners of lands drained as aforesaid, to appoint a competent person to fill such vacancy, and the person so appointed shall be subject to all the liabilities and duties, and possess all the powers conferred upon the commissioners appointed by this act.

§ 7. Any person or persons deeming their lands or ^{pro-Injured property,} party injured in consequence of the cutting away of the said falls, and the draining of the said lands as aforesaid, may apply to any justice of the peace of the town in which their said lands or property so injured shall be situated, for such summons as is hereinafter specified.

§ 8. The justice to whom such application shall be made ^{Application to justice.} shall thereupon issue a summons, directed to any constable of said town, requiring him to summon twelve equitable freeholders, who are not interested in the said lands, nor in any of them, nor in anywise akin to either of the parties, to be and appear on the premises at a certain time and place specified in such summons, not less than ten nor more than fifteen days from the date thereof. The summons shall also ^{Summons.} direct the constable to give the said commissioners, or any two of them, at least ten days notice of the time and place at which said jury are to appear. The constable to whom the summons shall be directed, shall execute and return the same as upon venires issued in suits pending before justices of the peace. The justice shall attend at the time and place at which the said jury are to appear, and administer to each of them an oath or affirmation, well and truly to examine and certify as to the amount of ^{Damages, &c} damages, if any, the said party or parties applying for said summons has sustained in consequence of the said cutting away of said falls and drainage of the land aforesaid; and the amount of damages so certified by such jury, shall be included in the aforesaid assessment provided for in the third section of this act, and be paid over by said commissioners to the party entitled thereto.

§ 9. This act shall take effect immediately.

Chap. 208.

AN ACT to provide for the opening of certain streets in the city of Brooklyn.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Brooklyn are hereby authorized to cause Third and Fourth streets, in said city (eastern district), to be opened (Third street from North Third street to North Seventh street, and Fourth street from North Second to North Fourth street; or such parts thereof as have not been heretofore opened according to law), according to the original map or plan of the late village of Williamsburgh, and they shall cause application to be made, by resolution or otherwise, to the county court of Kings county, or to the supreme court, at a special term held in said county, to appoint three commissioners to estimate and assess the expenses of said improvements, separately (including such lawful and reasonable expenses as may be determined by the common council to have been heretofore incurred for the opening of said streets), and perform such duties and proceed in the same manner as now required by law, in the city of Brooklyn, for opening streets, avenues and squares.

§ 2. The common council shall fix and determine the assessment district and take such further proceedings as now required by law, in the city of Brooklyn, and to the same effect as if no proceedings had been heretofore had for the opening of said streets.

§ 3. This act shall take effect immediately.

Chap. 209.

AN ACT to provide for the payment of the salary of the Deputy State Engineer and Surveyor for the last and present fiscal year.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of nine hundred and sixteen dollars and sixty-six cents is hereby appropriated for the salary of the deputy state engineer and surveyor from April sixteenth to September thirtieth, eighteen hundred and fifty-seven, and the sum of two thousand dollars is also hereby appropriated for the salary of the said deputy for the current fiscal year, to be paid by the treasurer on the warrant of the comptroller; and the said deputy hereafter to be paid monthly.

§ 2. This act shall take effect immediately.

Chap. 210.

AN ACT making appropriations for the canal debt, and the maintenance of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and fifty-eight, and to supply a deficiency in a former appropriation.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums are hereby appropriated out of the canal revenues of the state canals, for the fiscal year commencing on the first day of October, eighteen hundred and fifty-eight:

Collector of
tolls, &c.

For the expense of the collection of tolls, superintendence and ordinary repairs of the public works, salaries of the canal commissioners, state engineer and surveyor, auditor of the canal department, clerk hire and incidental expenses of the canal department, and canal appraisers, the sum of nine hundred thousand dollars, or so much thereof as may be necessary.

To supply the deficiency of the appropriation made under chapter one hundred and forty-eight of the laws of eighteen hundred fifty-six, for the expenses of collection, superintendence and ordinary repairs of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and fifty-six, the sum of seventy thousand four hundred and fifty-three dollars and forty-six cents.

Interest.

For the payment of interest, and to pay the principal, of the canal debt, as it existed on the first day of June, one thousand eight hundred and forty-six, the sum of one million seven hundred thousand dollars.

For the payment towards the sinking fund for the extinguishment of the general fund debt, the sum of three hundred and fifty thousand dollars.

For the payment of interest on loans made under the constitution, for the enlargement and completion of the canals, the sum of seven hundred and twenty thousand dollars, or so much thereof as may be necessary.

To constitute a sinking fund for the extinguishment of the principal of the loans made under section three of article seven of the constitution, the sum of four hundred and fifty thousand dollars, but no investment in such fund shall be made except from the surplus revenues of the canals, received during the year after paying the interest on the debt created under section three of article seven of the constitution.

To pay the general fund to defray the necessary expenses of the state, the sum of two hundred thousand dollars.

§ 2. In addition to the appropriation now authorized by law for clerk hire in the canal department, there shall be appropriated to the said department, for clerk hire, the further sum of one thousand seven hundred dollars a year, to commence on the first day of October next.

§ 3. There shall be annually hereafter allowed to the canal appraisers for clerk hire the sum of four hundred dollars, in addition to the sum now allowed by law, for the expenditure of which they shall account to the auditor of the canal department which sum shall be paid monthly by the treasurer on the warrant of the said auditor.

Clerk hire
for apprais-
ers, &c.

Chap. 211.

AN ACT to provide for the enlargement of the locks on the Chemung canal.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. As often as it may become necessary to rebuild any lock or locks upon the Chemung canal and feeder, for any reason whatever, said lock or locks may be rebuilt

of composite, and of the same size as the locks are now built upon the Erie canal, if in the opinion of the canal board the interest of the state will be promoted by such enlargement, and provided, further, that no such enlarged locks shall be built until the enlargement of the Erie canal shall be completed.

§ 2. When the locks named in the first section of this act shall have been rebuilt in accordance with the provisions thereof, then the two composite locks now in operation on said canal shall be enlarged to the same size of the others so rebuilt.

Chap. 212.

AN ACT in relation to the Weedsport Union School.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. School district number eight, in the town of Brutus, Cayuga county, shall be hereafter known as "The Weedsport Union School," and that shall be its corporate title, in which name all returns shall be made, contracts entered into, and its trustees and other officers shall be known as officers of "The Weedsport Union School."

Officers.

§ 2. There shall continue to be the same officers of the said district as of other common school districts, and with the same rights, privileges, powers and duties, except as hereinafter provided.

Not less than
three nor
more than
nine officers.

§ 3. In addition to the officers now provided by law, there shall be in said district, not less than three nor more than nine officers, which number shall be determined by the legal votes of the district, at their next annual meeting, who shall be known as "The Board of Education" of said district, with such powers and duties as are herein provided,

to be elected at the same time and in the same manner as the trustees of said district are elected, and to hold their offices after the first election for three years.

§ 4. The proceedings of the annual meeting in said district, in October, eighteen hundred and fifty-seven, in the election of a board of education, is hereby confirmed, and the persons then elected as such board shall continue to hold those offices for the time, at that meeting designated for each, and at each annual meeting in said district hereafter, one-third of the members of said board shall be elected in place of such of them whose term of office shall then expire, and in case of an increase of their number at the next annual meeting, the number added shall be then elected, and lots drawn by the other members, to determine the length of time which each shall hold, so as to have one-third of them go out of office each year, and a majority of them shall, for all purposes, constitute a quorum for the transaction of business.

Proceedings
of annual
meeting
confirmed,
&c.

§ 5. The board of education, by this act established, shall have power:

First. To pass such by-laws as they shall deem proper for the regulation and exercise of their lawful business and powers, and for the regulation of the school.

Power of
board.

Second. To fill any vacancy which may happen in said board, until the next annual meeting.

Third. To have in all respects the superintendence, management and control of said Union school; to establish in the same an academic department whenever in their judgment the same is warranted by the demand for such instruction; to receive into said district any pupils residing out of the district, and to regulate and establish the tuition fees of such non-resident pupils, in the several departments of the school; to regulate the transfer of scholars from one department to another, and from class to class, as their degree of scholarship may warrant, and to direct what text books shall be used therein.

Fourth. To graduate the amount of the rate bill in said district, upon the scholars attending the several departments of said school, in proportion to the amount of wages paid to the teacher of each department, making all proper allowance for the superintending charge of the principal of the school over the whole.

Rate bill.

Fifth. To contract with and employ such teachers, and such numbers of teachers, as they shall deem necessary and

Teachers.

competent, in the several departments of instruction in said school; to remove them at any time for incompetency, neglect of duty, immoral conduct, or want of adaptation to their position, and to require them to conform to such rules and regulations as they shall make, in reference to the school.

Sixth. To expend the library money of the district in the purchase of such books as they may deem best, and to appoint a suitable person as librarian, and make such rules and regulations for his government, and the control and management of the library and apparatus of the school, as they shall think proper.

Duty of
members of
board.

§ 6. It shall be the duty of each member of the board of education to visit every department of the school at least twice during each term, and for the board to meet from time to time, as occasion may require, during each term, to attend to the interests of the school.

Academical
department.

§ 7. The academical department, established under the provisions of this act, shall be subject to the visitation of the regents of the university, and shall be subject in its course of education, and matters pertaining thereto (but not in reference to its buildings), to all the regulations made in regard to academies by the said regents. In such department, the qualification for the entrance of any pupil shall be the same as those established by the said regents for the admission into any academy of the state under their supervision.

School com-
missioners'
powers.

§ 8. Nothing herein contained shall be so construed as to affect the supervision of said school by the commissioners of common schools of the commissioners' district in which it is located, but the same shall for all purposes, except as herein expressed, be and remain as one of the common school districts of the said town of Brutus.

Contracts,
&c.

§ 9. All contracts made by the trustees and by the board of education, shall be made in the name of "The Weedsport Union School," in which name shall all suits be prosecuted and defended, and the trustees shall represent the body corporate, in all suits and legal proceedings, and the service of process upon either one of them shall be sufficient to commence an action against the corporation.

Real and
personal
estate.

§ 10. All the real estate and personal property, rights, privileges and powers of the said school district number eight, are hereby vested in and shall belong to the said "The Weedsport Union School."

§ 11. All the powers, duties and obligations not herein expressly conferred upon the board of education, shall remain with the trustees of the district, the same as though this act had not been passed.

Chap. 213.

AN ACT requiring officers acting as surrogates to give security.

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every county judge, special county judge, or other officer who is now authorized by any law or proper authority of this state to act as surrogate, shall execute a bond to the people of this state, on or before the first day of May next, in the same manner and with the same conditions as are required of surrogates by part one, title two, chapter twelve, article six, section one hundred and nineteen of the third edition of the revised statutes.

§ 2. Every county judge, special county judge, or other officer hereafter elected or appointed under any law, or by any proper authority in this state, who shall be authorized to act as surrogate, shall before entering upon or discharging any of the duties of surrogate, execute a bond in the same manner as is required in section first of this act.

§ 3. This act shall take effect immediately.

Chap. 214:

AN ACT entitled an act to amend the Charter of the village of Warren, in the town of Haverstraw, in the county of Rockland.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the trustees of said village may furnish a lock-up or a temporary jail, in said village, for the safe keeping and confinement of prisoners therein, and any justice of the peace residing in said village may, in his discretion, commit either to the common jail of the county of Rockland, or to such lock-up, all criminal offenders, and all persons convicted of a violation of the by-laws and ordinances of said village, whose term of imprisonment shall not exceed ten days, and the said trustees are hereby directed to provide necessary sustenance or maintenance for all persons confined in said lock-up.

§ 2. The said trustees are authorized and empowered to raise the sum of four hundred dollars by tax, to be assessed and levied upon the taxable property within the corporation of said village, by a vote of the taxable inhabitants of said village, authorizing the same, on the first Monday of May next, and to expend said sum, or so much thereof as may be necessary, in the purchase of land and the erection thereon of said lock-up or temporary jail.

§ 3. It shall not hereafter be optional with persons liable for highway labor in said village, to perform such labor, but every person or corporation so liable shall, instead of personable labor, pay to the street commissioner of said village, the sum of fifty cents for every day's labor for which he or they shall be assessed, and said street commissioner shall expend all sums he shall so receive, under the direction of the said trustees, who are commissioners of highways therein.

§ 4. This act shall take effect immediately.

Chap. 215.

AN ACT to legalize the election, classification, and official acts of the Trustees of "The First Baptist Society of Bath."

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The election of seven new trustees and the classification of the nine trustees of "The First Baptist Society of Bath," in the county of Steuben, is hereby ratified and confirmed; and the said seven trustees so elected on the twenty-fourth day of December, eighteen hundred and fifty-seven, are hereby declared trustees of said society. Together with the two trustees then in office, they shall severally hold and occupy their offices according to their present classification.

§ 2. The official acts of said trustees since the time of their election, as aforesaid, are hereby confirmed and declared to be of the same force and effect as though said trustees had been legally elected.

§ 3. This act shall take effect immediately.

Chap. 216.

AN ACT to change the name of the Baptist Church and Society, in the town of Porter, Niagara county.

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the Porter Baptist Church and society, of the town of Porter, in the county of Niagara, is hereby changed to Ransomville Baptist Church and society.

§ 2. The present trustees of the Porter Baptist church and society shall be the trustees of the Ransomville Baptist church and society, and shall hold their office the same as if said name had not been changed.

§ 3. All the real or personal property, now owned by the said Porter Baptist church and society, shall be hereafter owned by the Ransomville Baptist church and society, and all debts due from said Porter Baptist church and society, shall be payable from the Ransomville Baptist church and society, in the same manner as if said name had not been changed.

§ 4. This act shall take effect immediately.

Chap. 217.

AN ACT amending the poor laws of Oneida county, to enable the Superintendents of the Poor to establish a store or provision depot in the city of Utica.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The superintendents of the poor of Oneida county shall have power, and are hereby authorized, from time to time, to purchase or procure, in anticipation, and to keep on hand such articles of provisions, fuel, articles or things as they may deem advisable, for the purpose of supplying and affording relief to such poor persons or paupers, who, through sickness or disability, are by law entitled thereto; also to hire a store, place or depot for such purpose, and if necessary, to employ a suitable agent or agents to take charge thereof, and apply in a due and prudent manner such relief, on the written orders of the overseers of the poor of said city, as hereinafter provided, under such restrictions and regulations as the superintendents shall or may legally prescribe. The amount paid by said superintendents for the use of storehouse and for the service of said agent or agents, shall not exceed six hundred dollars in any one year; and no intoxicating liquors of any kind whatsoever, shall be purchased by said superintendents, for, or kept at said store, place or depot.

§ 2. Whenever the superintendents of the poor shall decide to establish such store or depot, they shall be lawfully authorized, and it is hereby made their duty, to make all such purchases in the name of the said county of Oneida, in a prudent and economical manner, and when so procured they shall be deposited in such place, store or depot, as shall have been by them provided, to be, by their agents or agents, delivered to such poor or pauper persons, on order of the overseer of the poor, at the wholesale or cost price of such provisions, fuel, articles or things; they are also required, and

Report to be
made to
board of
supervisors.

it is hereby made their duty, to keep or cause to be kept, a true and accurate account of all provisions, fuel, articles or things, by them purchased as aforesaid, together with the wholesale or cost prices thereof, and of all moneys drawn, used or expended for the same, and make report thereof to the board of supervisors of said county, within five days after the commencement of each annual session of said board of supervisors, giving an account of all services rendered, and supplies furnished; stating the time and nature of such services, the amount, quantity and quality of the articles furnished, to whom and the time when delivered, and the cost thereof, duly verified by the oath of such superintendents of the poor, and of their agent or agents; and no accounts by them rendered shall be audited or allowed by the board of supervisors for any supplies claimed to have been purchased or distributed, or for any services rendered, unless the same shall be made out in items, with dates, stating the time, the quantity and quality of the articles furnished and distributed; the wholesale or cost price thereof, together with the character and amount of services for which such charge is made; and then, not unless accompanied with an affidavit duly executed and sworn by the superintendents of the poor, and of their agents; that they have not either directly or indirectly, individually or collectively, been interested in any supplies furnished or distributed by them, or any of them, and they have not received any money, promises or gifts, from any person or persons, from whom or through whom such provisions, fuel, articles or things, shall or may have been purchased or procured. And the said superintendents, at the time of making said reports, shall submit to said board of supervisors, all orders upon which provisions, fuel, or other articles or things, have been delivered under this act.

Book to be
kept, &c.

§ 3. The agent or agents of the superintendents of the poor, shall keep a book in which shall be entered the quality and quantity, together with the wholesale or cost price of each article purchased; they are also required to keep an account, in items, of all provisions, articles or things, by them delivered; and to whom, on the order of the overseer of the poor, and render a just and true account thereof to the superintendents of the poor, when so required.

Provisions
not to be
sold.

§ 4. It shall not be lawful for the superintendents of the poor, or their agent or agents, to dispose of, on their own order, or to sell any of the provisions, fuel, articles or things, that shall or may be purchased pursuant to the requirements

of this act, to any private person or persons, employees, societies or others, except upon an order duly issued by the overseer of the poor; and no order shall be by him granted or issued, unless for the relief of the person or persons therein named.

§ 5. It shall be lawful for the overseer of the poor of the city of Utica, in said county, under the directions of the said superintendents, to give temporary relief by giving orders upon such articles and things as may be thus procured by said superintendents; and all orders for temporary relief given by said overseer, shall be truly dated, and shall specify the person in whose favor given, the articles and things to be delivered on the order, and the quantity of each article or things, and the total amount in dollars and cents, and shall be drawn upon the articles and things thus provided by the said superintendents, and on such place or places so provided as the said superintendents shall from time to time designate.

Overseer of
poor of
Utica.

§ 6. After said superintendents have established such depot, and while it shall be continued, it shall not be lawful for the overseer of the poor of the city of Utica to draw any order for temporary relief on any other store or stores, but if the said superintendents of the poor shall fail to cause any provisions, articles or things, delivered on the orders of said overseer to be delivered at the cost or wholesale prices thereof, then the said overseer may apply to the first judge of the county of Oneida for an order to be directed to said superintendents, requiring them to show cause before him, at court or at chambers, on not more than five nor less than three days notice, why said provisions, articles or things, should not be delivered at the cost or wholesale price thereof. And for this purpose the said county judge shall have jurisdiction and full power and authority to hear and determine said matter, and to enforce his decision by mandamus, and by fine not exceeding ten dollars for each offence.

No orders to
be drawn for
temporary
relief on any
other store.

§ 7. The overseers of the poor of said city shall keep a book to be provided by the superintendents of the poor, in which he shall enter the name of every person for whose relief he shall issue his order as aforesaid, the date of each application, the age, nativity and probable cause of pauperism of such applicant, and the amount of relief granted to each. Such order, when issued, shall contain the date, the amount for which drawn, the name of the person relieved, and shall designate whether for provisions, fuel, or such other articles as the necessities of the applicant may require.

Book to be
kept.

Rules, &c.,
to be made
by superin-
tendents of
poor.

He shall also enter the same upon the stub or margin of such order remaining in his book, which he shall retain in his possession, and deliver to the clerk of the board of supervisors when so required.

§ 8. The superintendents of the poor of said county are hereby authorized to make and ordain such rules and by-laws as they may think necessary for the purpose of regulating and carrying into effect the powers granted to them under the provisions of this act. The superintendents shall audit all accounts of such articles and things bought by them by virtue and in pursuance of this act, from time to time, as they audit all accounts for articles and things bought for the poorhouse, and shall draw orders on the county treasurer to pay therefor.

§ 9. All provisions of law inconsistent with the provisions of this act are hereby repealed.

§ 10. This act shall take effect immediately.

Chap. 218.

AN ACT more effectually making Malone village a separate road district; declaring persons guilty of certain acts therein, disorderly persons; and conferring additional powers upon the Trustees of said village.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boundaries.

SECTION 1. All that part of the town of Malone, in the county of Franklin, embraced within the limits of Malone village, as heretofore incorporated under the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, and the several acts amending the same, and all such parts of the said town as shall at any time hereafter be embraced within the limits of said village, is hereby declared to be a separate road district, and free

from the superintendence, charge and jurisdiction of the commissioner or commissioners of highways of said town, in respect to the streets and highways therein; and the trustees of said village shall be the exclusive commissioners and overseers of highways in respect to streets and highways therein, and they alone shall possess and exercise all the powers of commissioners of highways of towns, and overseers of highways in road districts, in repairing, altering, describing, laying out and discontinuing streets and highways in said village, and making assessments of money and labor therefor, and authorizing and enforcing the collection, payment and performance thereof, and causing encroachments upon such highways and streets to be removed, and in laying out money and labor for said purposes, within the limits of said village; but all public bridges within said village shall be, as heretofore, subject to the supervision and control of the commissioner or commissioners of highways of said town of Malone, and a charge upon the said town for their construction, repair and maintenance.

Trustees to have powers of commissioners, &c.

§ 2. All real estate situate within the limits of said village, and all persons resident therein, and all corporations located and doing business in said village, which property, persons and corporations, would have been liable to assessment for highway labor in the town of Malone, had not the said village been incorporated and made a separate road district, shall be liable to assessment for highway purposes in said village; but no part of the track of the railroad running through the said town, except such as lies within the limits of the said village, shall be so assessed therein; and no person or corporation, residing or located within the said village, shall be assessed therein for lands owned or occupied by such person or corporation beyond the limits of the said village within the town of Malone, but all such persons and corporations shall be assessed for such lands in the road district in said town in which such lands shall lie. And the trustees of said village, and the overseers of the several highway districts in said town, may proceed to enforce collection and performance of highway taxes and labor, against the owners and occupants of real estate situate and liable to assessment in the said village or in the said districts respectively, as herein provided, the same as if such owners and occupants were residents in the village or district in which such assessment shall be made.

Property liable to assessment.

Trustees to enforce collection of highway tax.

§ 3. At any meeting of the electors of such village to

Tax, how to be raised.

- elect village officers, or at any other meeting of such electors, duly notified by the trustees, in the manner prescribed by the said act under which the said village is organized, the persons entitled to vote to raise taxes in such village, may, by resolution, direct the trustees to cause to be raised by tax, as other moneys shall be raised for corporate purposes in said village, such sum as shall be prescribed by such resolution, to repair and improve the highways, streets and public grounds in said village, or may direct the said trustees to make an assessment of labor to be performed upon the highways, streets and public grounds in said village, in the manner authorized and prescribed by law for the assessment and enforcement of performance of highway labor in towns. And in either case the said trustees may impose a poll tax of at least one day of highway labor, upon all inhabitants of said village who would have been liable to be assessed in the town of Malone, had not the said village been incorporated, and who are not specially exempted from such assessment under any law of this state. And the trustees may direct the application of so much of said moneys or labor to the grading, fencing and improving of the public grounds, and the planting and protecting of trees thereon, as they shall deem proper.
- Poll tax.**
- Fencing, &c.**
- Money to be laid out on highways.**
- § 4. The trustees of said village may cause such portions of the moneys assessed, levied and collected in said village, in each year, to be laid out on such of the highways in the town of Malone, leading into said village, as they shall direct.
- Lands taken for streets.**
- Highway laws.**
- § 5. In the case of taking lands for streets or highways in said village, the damages to the owners of such lands shall be ascertained in the manner prescribed by law for ascertaining the damages for taking lands of individuals for the laying out of highways in towns, and the money for paying the same shall be raised by taxation in the same manner as other taxes are authorized to be voted, assessed, levied and collected in the said village; and all the general laws of this state in relation to highways, shall be applicable to highways in said village, except as herein otherwise provided. But in the case of the assessment of highway labor upon property in said village, the same shall be made as the said property shall appear upon the last assessment roll of said village.
- Guns, pistols, &c., firing of.**
- § 6. All persons firing guns, pistols, crackers, rockets or squibs, or throwing or playing with fire balls or any other

fire works charged with gunpowder, or other explosive or highly inflammable material, or building fires in any of the public streets of said village, or making any improper noise which may disturb the peace of said village, or who shall bathe or swim in any mill race, river or other waters in said village, or ring any bell, blow any horn, or cry any goods, wares and merchandise or other commodity, or hawk and peddle in the streets of said village, or be guilty of immoderately riding or driving any horse or horses in the streets of said village, or be engaged in any riot or disorderly assemblage, or make any noise or disturbances, or keep any disorderly house, grocery, or house of ill-fame in said village, or be guilty of any drunkenness or disorderly conduct in any public street or place in said village, contrary to any ordinance passed by the trustees of said village; and all vagrants, mendicants, street beggars and common prostitutes, in said village; and all persons selling any intoxicating liquors in said village, without having a lawful license to make such sale, and all persons keeping any grocery, eating saloon, victualing house or oyster cellar, and selling or giving, or allowing to be sold or given to any person, to be drank therein or in any outhouse, yard or shed connected therewith, or adjoining thereto, any intoxicating liquors; and all keepers of inns, taverns or hotels in said village licensed to sell intoxicating liquors, whose inns, taverns or hotels shall be frequented by persons residing in the town of Malone who shall be in the habit of drinking intoxicating liquors, or by idle and profane persons resident in said town, or who shall sell or give, or allow to be sold or given, in their said taverns, inns or hotels, any intoxicating liquors to any drunken person, or to any resident of the town of Malone who is in the habit of becoming intoxicated; and all keepers of taverns in said village who shall sell or give, or allow to be sold or given, in their said inns, taverns or hotels, any intoxicating liquors to any minor or apprentice residing in said town of Malone, or who shall allow merchants' clerks and other young men residing in said town, to assemble at their inns, taverns or hotels in the evening or night-time, and drink intoxicating liquors, or who shall on Sunday sell or give, or allow to be sold or given, in their said inns, taverns or hotels, any intoxicating liquors, to any person residing in the county of Franklin, shall be deemed disorderly persons, and may be proceeded against and dealt with in the mode prescribed by

Disorderly
houses, &c.Intoxicating
liquors, &c.Disorderly
persons.

title five, chapter twenty, part one, of the revised statutes, and any such disorderly person, and any person declared to be a disorderly person by said title five, who shall be discovered or detected in the actual commission of any act or acts rendering them disorderly persons as aforesaid, by the sheriff of the county of Franklin, the constable elected in said village, or any constable of the town of Malone, such officer shall have power, and it shall be his duty, summarily to arrest such disorderly person, without complaint or warrant, and take him or her before any justice of the peace resident in said village, to be proceeded against and dealt with as above provided; and in all other cases they shall be proceeded against by complaint and warrant as prescribed in said title. And any person in the employ of the keeper of any grocery, eating saloon, victualing house, oyster cellar, inn, tavern or hotel in which he shall be employed, in said village, any of the acts, the doing or permitting of which, by the keeper of any such grocery, eating saloon, victualing house, oyster cellar, inn, tavern or hotel, would render such keeper, a disorderly person under this act, is hereby declared to be a disorderly person and may be proceeded against and dealt with as such in the same manner as in this act and the said title prescribed.

Any person
declared a
disorderly
person.

§ 7. Any person declared a disorderly person by this act, and committed to the jail of said county for want of sureties for good behavior, may in all cases in which it shall be so directed in the order of commitment, be employed and compelled to work under the direction of the trustees of said village who shall have full power and authority for that purpose, upon the public streets and highways in said village, or in fencing, grading and improving the public grounds therein, or in making sidewalks or crosswalks upon such highways and streets, during the time for which such disorderly person shall have been so committed; and the keeper of said jail shall from time to time permit such disorderly persons to be taken from said jail to do such work, under the charge of such person or persons as the said trustees shall designate for that purpose, which person or persons so designated shall have the legal custody of such disorderly persons while out of said jail for the purpose aforesaid, and said keeper shall receive them back into such jail from time to time, when remanded to him by the said trustees or the person or persons so designated by them, and such keeper shall not be responsible for the safe keeping of

such disorderly persons while they shall be at large as herein authorized.

§ 8. All fees, charges and expenses incurred in carrying out and enforcing sections six and seven of this act, shall be a charge against the said village, and after being duly audited and allowed, the money required to pay the same, shall be voted, assessed and collected, in the same manner as other moneys authorized to be raised for corporate purposes by said village; and in case of a breach of any recognizance for good behavior, entered into by any such disorderly person, such recognizance shall be prosecuted at the instance of the trustees of said village, and the penalty of such recognizance, when collected, shall be paid over to the treasurer of such village, to be applied to the payment of such fees, charges and expenses, and other corporate charges of said village. And the whole of said title five, chapter twenty, part one of the revised statutes, shall be applicable to the case of disorderly persons under this act, except as herein otherwise provided.

§ 9. The trustees of said village may adopt ordinances against the immoderate riding or driving of any horse or horses in the streets of said village, and impose and collect penalties for the violation of such ordinances, as in other cases in which they are authorized to impose and collect penalties for violations of ordinances adopted by them.

§ 10. The trustees of said village may adopt ordinances regulating the sales at auction in said village, of goods belonging to persons not residing within the county of Franklin, and providing for the granting of licenses for such sales, and prohibiting and preventing such sales without license, and may enforce such ordinances by the imposition and collection of penalties for violations thereof, in the same manner as in other cases in which they are authorized to pass ordinances, and impose and collect penalties for their violation, under the said act entitled, "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, and the several acts amending the same. And the said trustees may require the owners, or the auctioneer selling such goods, to pay over to the treasurer of said village, a sum not exceeding five per cent, on the amount of such sales; and may make it a condition of the granting of any such license, that such owner or auctioneer shall make a deposit of money, or give satisfactory security for such payment; or the said trustees may

make such charge or assessment upon the amount of such sales, or without requiring any license for such sales, or security for such payment, as the condition of granting the same. And the said trustees may pass and enforce all necessary ordinances, to obtain from such owners and auctioneer, all necessary accounts for such sales, and to compel the payment of such sums as may be so charged or assessed upon such sales, and may impose and collect penalties for violation of such ordinances, as in other cases in the said act provided. Said trustees may issue to the collector of said village, warrants for the collection of the sums so charged or assessed upon such sales, and the said collector shall have the same power to collect the amount specified in such warrants, as in the case of warrants issued for the collection of taxes, by the trustees of said village, and shall be entitled to the same fees for collection. And all moneys coming into the hands of said trustees, or collected by the collector of said village, under this section, shall be paid over to the treasurer of said village, to be applied to the payment of corporate charges and expenses.

Collector to
pay over
to treasurer.

Board of
auditors.

§ 11. The assessors, clerk and treasurer of said village, or any three of them, are hereby constituted a board of village auditors, for the purpose of auditing the accounts of the trustees of said village, relative to labor assessed and performed and moneys raised, received and expended, for the improvement and keeping in repair of highways and streets in said village, and the fencing, grading, improvement and setting out of trees upon the public grounds therein. The said trustees shall, on the last Saturday of January, in each and every year, render to the said board of village auditors an account in writing and under oath stating:

1. The highway labor assessed and performed in such village, during the year next preceding the rendering of such account, and how and where performed, as fully and particularly as practicable.

2. The sums received by such trustees for fines and commutations, and all other moneys received by them for the improvement and repair of the highways, streets and public grounds in said village, and in what manner and for what object expended, as fully and particularly as practicable.

Improvement, &c.

3. A statement of the improvements necessary to be made upon the highways, streets and public grounds in said village, and an estimate of the probable expense of making

such improvements. The said board of village auditors shall present to each succeeding annual meeting for the election of village officers, the said account hereby required to be rendered to said board of auditors.

§ 12. At any meeting of the electors of such village, to elect village officers, or at any other meeting of such electors, duly notified by the trustees, the persons entitled to vote to raise taxes in such village, may, in addition to the objects for which money is authorized to be raised, by section twenty-eight of the said act under which the said village is organized, direct the trustees to cause to be raised in the manner in the said section prescribed, taxes for the following purpose, namely:

1. For paying any judgment which may, for any cause, be recovered against the said village or against any of the officers of said village, for any lawful act done by them in their official capacity, or for any act done or committed by them pursuant to any vote or resolution of the electors of said village, at any lawful meeting of such electors.

2. To pay any claims against the said village, which such persons entitled to vote to raise taxes in such village, and attending and voting at any such meeting, may deem it expedient to pay, settle or compromise.

But all such sums which may be directed to be raised under this section, or for highway purposes under section three of this act, shall be raised only after the same notice, shall be voted on under the same regulations, and be subject to the same restrictions as to their application, as are prescribed in the said act in respect to other moneys which may be directed to be raised by said electors under section twenty-eight of said act.

§ 13. The trustees of said village when exercising within the limits of said village, the powers vested in two justices of the peace, by the second section of the first article of the eighth title of the twentieth chapter of the revised statutes, are hereby authorized to charge for any license granted by them, a sum not exceeding fifty dollars, to be paid into the treasury of said village.

§ 14. The corporate boundaries of the said village are hereby extended and enlarged so as to embrace the fair grounds of the Franklin county agricultural society in the town of Malone, and the corporate jurisdiction of the said village, and the laws applicable thereto, and the ordinances adopted by the trustees thereof, shall have the same validity,

force and effect, within, upon and over the territory embraced within the limits of the said fair grounds, as if the same had been included within the boundaries of said village at the time of the original incorporation thereof; but the said fair grounds shall not be subject to taxation by the said village corporation for any purposes or to any extent whatsoever.

§ 15. This act shall take effect immediately.

Chap. 219.

AN ACT to authorize the Trustees of the First Methodist Episcopal Church (known also as the Ashbury Church), in the town of Northfield, in the county of Richmond, to sell the whole or part of their parsonage lot.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the trustees of the First Methodist Episcopal church (known also as Ashbury church), in the town of Northfield, Richmond county, are hereby authorized and empowered, provided a majority of the male members of said church concur therein, to sell and dispose of the whole or a part of their parsonage lot, the proceeds to be applied in payment of the debts of said church.

§ 2. This act shall take effect immediately.

Chap. 220.

AN ACT for the Incorporation of the American School of Mines for developing the mineral wealth of the United States.

Passed April 14th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Isaac Ferris, Horace Webster, Peter Cooper, ^{Names of} Charles M. Wheatley and Robert G. Rankin, of the city of ^{corporators.} New York, George J. Pumpelly, of Owego, and Thomas W. Olcott and James H. Armsby, of Albany, and all persons now composing the "American School of Mines," and all persons who shall hereafter become members thereof, are hereby created a body corporate by the name of the "American School of Mines," and shall have all the powers of a corporation, and shall be capable of taking, holding and conveying real and personal estate for the use and purposes of said corporation as a school of mines, but the annual net income thereof shall not exceed the sum of twenty thousand dollars in any one year.

§ 2. The object of the "American School of Mines" shall ^{Objects.} be the economic and scientific development of the mineral wealth of the United States, the determination of its economic values, instruction in the art of practical mining, and the analysis and composition of mineral products.

§ 3. The organization and management of the corporation shall be as follows:

1. A council of twenty-four members, in whom, together ^{Council.} with the officers who are to be chosen annually, shall be vested the power and control, and who shall be chosen from the corporators as the by-laws may direct. The council shall have power to act by an executive committee, five of whom shall constitute a quorum for the transaction of business under the direction of the council; also, to appoint all officers and employees; to make by-laws and ordinances not repugnant to the constitution and laws of this state or of the United States; to appoint professors on the nomination of

Classes of members of council.	the faculty, and determine the branches and terms of instruction. The members of council shall allot themselves into four classes, one of which shall go out of office annually. In case such annual election shall not be held, or a vacancy shall occur, from any cause, the council may supply all vacancies, and the persons so appointed shall hold their office until the next annual election.
Faculty.	2. A faculty to consist of professors of practical mining, dynamic and economic geology, mineralogy, general and analytic chemistry, metallurgy, applied science, physics and such other branches of science and art as may become requisite.
Curator.	3. A resident curator of the museum, who shall have the general supervision of the same, under the direction of the president and council.
Museum.	4. An assaying office and laboratory, and mining library. 5. A museum of practical geology and mineralogy, for the collection and preservation of mineral products, and the application of their usefulness in the arts of life; models, plans and drawings of mines; description of deposits and basins; specimens of all the tools and implements used in mining, and generally every matter and thing relating to, or capable of accomplishing the objects of the corporation.
Members.	6. Life directors and life members. 7. Honorary directors. 8. Members.
Directors, &c.	§ 4. The qualifications and privileges of the several classes of directors and members, and the manner and times of holding elections, the duties and functions of officers and employees, and the mode of executing the incidental powers included in the organization, shall be prescribed by the by-laws.
Who shall be elected council.	§ 5. The council shall always be elected from the several classes of directors and members; but the officers, professors and employees, may or may not be, at the time of their election, members of the corporation, and shall become such by the fact of their election.
Quorum.	§ 6. Eleven members, including the officers present, shall be a quorum for the transaction of business of the council.
Diplomas.	§ 7. The corporation may grant to students, attending its course of instruction, for skill in any department of mineral economics and the art of mining, such diplomas or testimonials as may indicate their proficiency, and in such form as may be requisite; but no diploma shall be conferred but in

conformity with the laws of the state in force at the time of conferring the same.

§ 8. The present officers and members of council, together with those who may be elected to fill vacancies, shall be officers and members of council for the first year under this incorporation.

§ 9. This act shall take effect immediately.

Chap. 221.

AN ACT to amend "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, so far as relates to the village of Ellenville.

Passed April 14th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-five of the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, so far as relates to the village of Ellenville, shall read as follows: The officers of such village shall be five trustees, three assessors, one collector, one treasurer, one clerk, one street commissioner, when such village shall be a separate road district, such number of fire wardens, not exceeding five, as the trustees shall from time to time, by a by-law authorize and direct to be elected, and one pound master, and the resignation of any such officer shall be in writing, and shall not take effect until it shall be filed with the clerk.

§ 2. There shall be but one street commissioner chosen at the next election for officers to be held in such village of Ellenville. Each street commissioner hereafter elected in such village of Ellenville, shall, within twenty days after his election, execute a bond to the said village, in such penal sum as the trustees shall direct, with such sureties as

they shall require, conditioned for the faithful performance of his duties, and the payment of all moneys which shall come into his hands according to their direction.

§ 3. The trustees of the said village of Ellenville are hereby authorized, from time to time to appropriate so much of the commutation money for highway labor assessed in such village, as they may deem best, to the improvement of such part of the highways leading into said village as shall be within three miles from said village, or to any public improvement in said village which they shall deem necessary and expedient.

§ 4. This act shall take effect immediately.

Chap. 222.

AN ACT reducing the capital stock of the Mechanics' Bank of Williamsburgh, and authorizing a change of name.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Capital
stock re-
duced.

SECTION 1. The capital stock of the Mechanics' Bank of Williamsburgh is hereby reduced to the sum of one hundred and fifty thousand dollars, and the par value of the shares of said bank is also hereby reduced to the sum of thirty dollars per share; but nothing herein contained shall prohibit the said bank from increasing its capital stock to the amount mentioned in its original articles of association.

Certificate
declared
valid.

§ 2. The certificate of incorporation of said Mechanics' Bank, filed pursuant to section one hundred and sixty-seven of article five, part one, chapter eighteen, of the revised statutes, is hereby declared to be valid and a full compliance with the requirements of said section.

Name may
be changed.

§ 3. It shall be lawful for two-thirds of the members of said board of directors of said Mechanics' Bank of Williamsburgh, to change the name of said bank, to the Manufactur-

ers' Bank; and in case said name shall be so changed, the said bank shall have the right to continue to hold and manage its property and affairs by or under such new name of the Manufacturers' Bank, and under that name shall continue to be liable to and held responsible for all debts, demands, liabilities, claims and obligations that may be then existing against said bank, and shall possess, hold and enjoy all its rights, property and privileges; but nothing herein shall affect any action then pending in favor of or against the said Mechanics' Bank; and in case any action shall be commenced against said Mechanics' Bank after such change in its name, by any person or party, not knowing the change of the name of said bank, it shall not plead a misnomer, but shall answer or plead to the merits of the action, stating in such answer the true name of said bank, and such action shall proceed against it in either name, according to the practice of the court in which such action shall be pending; and any judgment recovered therein shall be as valid and effectual as if the action had been commenced and conducted against the said bank by its true name.

§ 4. The superintendent of the banking department is hereby authorized and empowered, at the expense of said bank, to cause the plates of the same to be altered to correspond with the change in the name of said bank when so made, or to cause the present plates to be destroyed and new ones engraved, as the directors of said bank may elect; and also to deliver to said bank, bills from the new plates, in exchange for those from the plates now held by him, to any amount which may be surrendered by the said bank.

§ 5. The securities now held by the said superintendent, or that may be held by him for the said Mechanics' Bank, at the time of the change of the name thereof, shall be in no way affected by such change, but the same shall be held by him to secure, according to law, all bills issued or to be issued by him to said bank by its present name or such new name.

§ 6. Nothing herein contained shall be construed to release the former or present stockholders of the Mechanics' Bank, or the stockholders at the time of such change of name, from any personal liability which may now exist against them, or that may exist at the period of such change of name, nor in any manner to impair or affect such liability.

Directors
may be
fifteen.

§ 7. It shall be lawful for the directors of said bank to increase the number thereof to fifteen. The directors of said bank shall be elected annually, on the first Monday of May, in each year, after the passage of this act. The term of office of the present directors of said bank shall expire on the first Monday of May, one thousand eight hundred and fifty-eight, and those thereafter elected, shall respectively hold their office for the period of one year, and until others shall be elected in their places. Every vacancy occurring in the direction, by death, resignation or otherwise, may be filled up for the residue of the term by the board of directors.

§ 8. The articles of association of said bank are hereby amended so as to conform to this act.

§ 9. This act shall take effect immediately.

Chap. 223.

AN ACT to amend the Charter of the Citizens' Fire Insurance Company of the city of Brooklyn.

Passed April 15th, 1856.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Citizens' Fire Insurance Company of the city of Brooklyn, to increase its capital stock from time to time in sums of not less amount than fifty thousand dollars at any one time, until said capital stock shall amount to the sum of three hundred thousand dollars; and for that purpose the said company is hereby authorized from time to time to create such a number of shares of new stock of the par value of twenty dollars each, as will amount to the increase determined upon at any one time; to dispose of the same at public auction or private sale, and to issue certificates therefor to the purchaser or purchasers thereof.

§ 2. Upon filing in the office of the clerk of the county of Kings, a certificate signed by the president and secretary of said company, and verified by their oath or affirmation, that the sum determined upon has been added to the capital stock of said company, the said capital stock shall thereafter be the amount so added in addition to the present capital of said company.

Chap. 224.

AN ACT to incorporate the Female Academy of the Sacred Heart.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Margaret Kennedy, Margaret Cornelius, Regina Decailly, Mary Thibodeau and Sarah Wall, are hereby created a body corporate, by the name of "The Female Academy of the Sacred Heart," to be located in the city of Rochester. The said corporation shall be in all respects a seminary of learning for the education of females, and shall have perpetual succession, with power to sue and be sued, and to make and use a common seal, and to alter the same at pleasure.

§ 2. The estate, property, effects and concerns of the said corporation, shall be managed by a board of five trustees, who shall be annually elected by the associates of said corporation. The persons named in the first section of this act shall be the first trustees thereof, and shall hold their offices for one year, and until others shall be elected in their stead.

§ 3. The corporation hereby created shall have power to purchase, take by devise, hold, mortgage, sell and convey, or otherwise dispose of any real estate, the annual profits of which shall not exceed five thousand dollars, and shall possess all the powers and privileges conferred on the Academy of the Sacred Heart by chapter four hundred and

twenty-seven of the laws of eighteen hundred and forty-nine, and be subject to the provisions contained in the third title of the eighteenth chapter of the first part of the revised statutes, so far as the same may be applicable.

§ 4. This act shall take effect immediately.

Chap. 225.

AN ACT to incorporate the Cayuga Bridge Company.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Body corporate.

SECTION 1. Henry Willard, William G. Wayne, Garry V. Sackett, Charles L. Hoskins, William Arnett, John McIntosh, and such other persons as shall associate for the purpose of building a bridge across Cayuga lake, from a point at or near the State bridge over the Cayuga lateral canal, in the village of Cayuga, in the county of Cayuga, to a point near the house occupied by Mrs. Van Zandt, on the west shore of said lake, in the town of Seneca Falls, in the county of Seneca, and shall subscribe and pay towards building the said bridge, a sum not less than fifty dollars; their successors and assigns shall be, and hereby are created a body corporate, by the name of the "President and Directors of the Cayuga Bridge Company," and so to remain for the term of thirty years, and no longer; and they are hereby constituted and declared to be a body corporate, in fact and in name; and by that name they and their successors may have continual succession, and shall be capable in law, of suing and being sued in all courts and places whatever; and that they and their successors may have a common seal, and may make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be capable in law, of purchasing, holding and conveying any real and personal estate for the use of said corpora-

tion, provided that the estate so to be holden shall be such only as shall be necessary to promote or attain the object of this incorporation.

§ 2. The capital stock of the said company shall consist of two hundred and fifty shares, of fifty dollars each; and each stockholder shall be entitled to as many votes for directors of the said company, as he or she may hold shares of the said stock; and the affairs of the said company shall be managed by five directors, who shall be chosen annually from among the stockholders of the said company, by a plurality of the votes of the said stockholders, at such time and in such manner as may be prescribed by the by-laws of the said company; and a majority of the said directors shall elect one of their number to be president, and the said president, with a majority of the said directors, shall be a quorum capable of transacting the business of the said incorporation, and shall have power to make such by-laws, rules, orders and regulations (not inconsistent with the constitution and laws of this state, or of the United States), as shall be necessary for the well governing the affairs of the said company.

Stock of said company.

§ 3. It shall and may be lawful for the said company to erect and build, at their own expense a good and substantial bridge of a single track, of not less than ten feet wide, with four or more turnouts, across the said lake at the place before mentioned.

Erect and build a bridge.

§ 4. It shall and may be lawful for the said company, as soon as the said bridge shall be finished, to erect a gate at or near the said bridge, and to exact and demand of all persons passing the said bridge, a toll to be received and taken for the use and benefit of the said company, which toll shall not exceed the following rates, to wit: for every carriage or vehicle drawn by two horses, mules or oxen, thirty cents; for every additional horse, mule or ox, ten cents; for every carriage or vehicle drawn by one horse or mule, twenty cents; for a man and horse, ten cents; and every additional horse, loose or led, five cents; for every sleigh or sled drawn by two horses, mules or oxen, fifteen cents; and every additional horse, mule or ox, five cents; for every sleigh or cutter drawn by one horse or mule, ten cents; for every foot passenger, three cents; for every head of horn cattle, three cents; for sheep or swine, ten cents per score; and it shall be lawful for the said company to continue to receive the said toll, so long as the said company shall keep the said bridge in good and sufficient repair; but in case the said

Gate to be erected, &c.

Toll.

bridge shall become impassable for the space of sixty days at any one time, then and in that case, all the rights and privileges hereby conferred, shall cease and determine; provided, however, that if the said bridge should fall or be carried away, no such determination or forfeiture shall take place if the said company shall rebuild the same within one year thereafter.

§ 5. Unless the said company shall complete the building of the said bridge, on or before the first day of November, in the year one thousand eight hundred and sixty, in a good and substantial manner, then the rights and privileges conferred, shall cease and determine.

§ 6. That it shall not be lawful for any person or persons, or company, to erect a toll bridge at any time after the said "Cayuga Bridge Company," hereby incorporated shall have finished the said bridge, according to the true intent and meaning of this act, within the space of three miles to the north, and half a mile to the south of the bridge hereby authorized to be erected.

§ 7. Garry V. Sackett shall be president, and Henry Wil-
lard, William G. Wayne, John McIntosh and William Ar-
nett, directors of the said company, until an election of
directors for the said company shall be held, according to
the provisions of this act.

§ 8. Nothing contained in the provisions of this act shall
in anywise affect any company heretofore incorporated, by
virtue of an act entitled "An act to incorporate the Cayuga
Bridge Company," passed March first, seventeen hundred
and ninety-nine, and the subsequent amendments thereto.

Chap. 226.

AN ACT to amend "An act to establish regulations for the Port of New York," passed April sixteenth, eighteen hundred and fifty-seven.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter six hundred and seventy-one of the Session Laws of eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Not to throw rubbish, &c., into waters, &c.

§ 3. It shall not be lawful for any person to throw any ballast, rubbish, ashes or cinders, from any vessel or lighter, or from any pier or bulkhead, into the waters of the docks, slips, or harbor of the port of New York; nor from out of any vessel upon any pier or bulkhead in the port of New York, unless to discharge the same immediately into carts. Any person who shall violate any of the provisions of this section, shall forfeit and pay to the commissioners the sum of five dollars, and the further sum of two dollars for each and every cubic yard of material so thrown out; and such fine shall be a lien, until paid, upon any vessel from which such material shall be thrown or discharged.

§ 2. Section four of said act is amended so as to read as follows:

Penalty

§ 4. Every person willfully throwing or putting any stones, earth, shavings, night soil, dirt or rubbish, into any dock or slip in the port of New York, or on any public pier or bulkhead in said port, shall forfeit and pay to the commissioners the sum of twenty-five dollars for each offence; one-half of all fines recovered under this section shall be for the use of the person or persons lawfully entitled to the occupation of such docks, slips or piers.

Whenever any horse or cart shall be employed in dumping stones, earth, shavings, night soil, dirt or rubbish, into any dock or slip, or on any public pier of the port of New York,

Dumping stones, &c.

the fine prescribed by this section shall be a lien until paid, upon such horse and cart.

§ 3. Section five of said act is amended so as to read as follows:

Section 5
amended.

§ 5. It shall be the duty of every owner, master, mate, or other person having the charge or management of any vessel from which, or into which, ballast, coal, cinders, stones, bricks, tiles, dung, or any loose matter or thing, shall be conveyed, to fasten canvas, mats or cloths, between the pier or bulkhead and vessel, and between vessels lying along side each other, to or from which such ballast or other loose material shall be conveyed, so as to prevent any part thereof falling into the waters of the port; and if to be landed, to place such material at least two feet from the edge of the pier or bulkhead, under the penalty of ten dollars for the violation of any of the provisions of this section, and for each offence, to be paid to the commissioners; and such penalty shall be a lien, until paid, on the vessel from which such ballast, coals, cinders, stone, brick, tiles, dung, or other matter or thing, shall be so conveyed or landed.

§ 4. Section six of said act is amended so as to read as follows:

Section 6
amended.

§ 6. It shall not be lawful to throw iron, lead, or any metal, or any package of merchandise weighing over fifty pounds, from a vessel on to a pier in the port of New York, without adequate protection to the planking of such pier, under the penalty of five dollars for each offence, to be paid to the commissioners, and to be a lien on the vessel until paid; nor shall it be lawful for any person or persons to draw, or cause to be drawn, or trail or drag over any pier in the port of New York, any anchor or blocks of stone, otherwise than upon carts, rollers, wheel carriages or sleds, under the penalty of five dollars for every offence, one-half of which shall be for the use of the person or persons lawfully entitled to the occupation of such pier.

§ 5. Section eight of said act is amended so as to read as follows:

Section 8
amended.

§ 8. Whenever any pier or bulkhead in the port of New York shall be encumbered, or its free use interfered with by merchandise, lumber, or any other obstruction, whether of loose material, or built upon or affixed to the pier or bulkhead, it shall be the duty of the commissioners to notify the person or persons placing or keeping such merchandise or obstruction on such pier or bulkhead, to remove such mer-

chandise or obstruction within twenty-four hours after such notice; and in case of failure to comply with such notice, and to remove such merchandise or obstruction, the person or persons so notified shall be liable to pay to the commissioners the sum of twenty-five dollars for each and every day during which such merchandise or obstruction shall remain on such pier or bulkhead; and the commissioners shall have power, in their discretion, to remove any merchandise so encumbering any pier or bulkhead, and to store the same in a warehouse or other proper receptacle; and a sum equal to the amount of the expenses of removal, together with the charges for storage, shall be paid by the owner of such merchandise to the commissioners, and shall be a lien on such merchandise until paid.

§ 6. Section eleven of said act is amended so as to read as follows:

§ 11. It shall be the duty of the said commissioners to require the lessees or occupants of the public piers and bulkheads in the cities of New York and Brooklyn, to keep the said piers and bulkheads clean and in good repair; and they shall specify in such notice the particulars of the repairs required by them to be made; and if when so notified to clean and repair any public pier or bulkhead, the lessee or occupant shall refuse so to do in accordance with the notice and specification of the commissioners, he shall be liable to pay to the said commissioners a fine of five dollars for each and every day during which he shall neglect or refuse to clean or repair such pier or bulkhead.

§ 7. Section seventeen of said act is hereby amended so as to read as follows:

§ 17. All fines and penalties incurred and recovered under this act, which are recoverable by or in the name of the commissioners under this act, shall be paid, except as otherwise provided in this act, into the treasury of this state, and the treasurer shall keep account of the same, and he shall pay to the said commissioners annually the expenses incurred, and hereafter to be incurred, by the said commissioners under the act, to be certified to him by the president and secretary of said board, not exceeding five thousand dollars per annum, and the further sum of five thousand dollars, to be divided between them as follows: to the president of the board the sum of two thousand dollars, and to each of the other commissioners the sum of seven hundred and fifty dollars per annum.

§ 8. Section eighteen of said act is amended so as to read as follows:

Fines and
penalties of

§ 18. All the fines and penalties incurred under this act shall be recoverable by and in the name of the said commissioners. In all cases where the fines and penalties prescribed by this act are made liens upon property, they shall be enforced by attachments issued by the court where the proceedings for the recovery of such fines and penalties shall be pending, to the officers to whom executions of such courts are issued, and shall be enforced and discharged in like manner as attachments against property of non-resident debtors; and the said commissioners shall have power, in their discretion, to remit any fines or penalties incurred under this act. For the purposes of this act, all piers and bulkheads shall be deemed and taken as extending into the adjoining streets in the rear thereof, a distance of six feet.

§ 9. This act shall not be deemed applicable to private wharves, piers and bulkheads occupied by the respective owners thereof for special purposes.

§ 10. This act shall take effect immediately.

Chap. 227.

AN ACT relating to "The Missionary Society of the Methodist Episcopal Church," and to amend the charter thereof.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May hold
real estate,

SECTION 1. The missionary society of the Methodist Episcopal church, incorporated by an act of the legislature of the state of New York, passed April ninth, eighteen hundred and thirty nine, shall be capable of acquiring, purchasing, holding and conveying such real estate as the purposes of said corporation shall require; but the annual income of

the real estate held by them at any one time, in the state of New York, in trust or otherwise, shall not exceed the sum of thirty thousand dollars.

§ 2. The second section of an act entitled "An act to incorporate the Missionary society of the Methodist Episcopal church," passed April ninth, eighteen hundred and thirty nine, is hereby amended so as to read as follows:

§ 2. The objects of the said corporation are to diffuse ^{Objects.} more generally the blessings of education, civilization and Christianity throughout the United States and the territories thereof, and also in foreign countries, and to support and promote missionary schools and missions in the United States and the territories thereof, and in foreign countries.

§ 3. The third section of the said act, and also that amending the same, passed June thirtieth, eighteen hundred and fifty-three, are hereby amended so as to read as follows:

§ 3. The management and disposition of the affairs and ^{Board of} property of the said corporation shall be vested in a board of managers, to be annually elected at a meeting of the society to be called for that purpose and held in the city of New York, at such time and on such notice as the board of managers for the time being shall previously prescribe. Such board shall also have power to direct by what officer the conveyances of real estate, by said corporation, shall be executed; also to fill any vacancy that may happen in the board, until the ensuing annual election. Said board of managers shall consist of not less than thirty-two lay members, and of so many clerical members, not exceeding that number, as shall be determined upon at such annual meeting, and each of which clerical members shall be a minister in good and regular standing in the Methodist Episcopal church. Thirteen members of the board, at any meeting thereof shall be a sufficient number for the transaction of ^{Quorum.} business; and at any meeting of the society, twenty-five members of the society shall be a sufficient quorum.

§ 4. The act entitled "An act for the relief of the Mis- ^{Act amend-} sionary society of the Methodist Episcopal church," passed April sixth, eighteen hundred and fifty, is hereby amended so as to read as follows:

§ 1. The Missionary society of the Methodist Episcopal church, incorporated on the ninth day of April, eighteen hundred and thirty-nine, shall be capable of taking, holding or receiving any real or personal estate, by virtue of any devise or bequest contained in any last will and testament ^{To receive and hold real and personal property given to said corporation or society.}

of any person whomsoever; subject to the limitation of the first section as to the aggregate amount of such real estate provided no person leaving a wife or child or parent shall devise or bequeath to such corporation more than one-fourth of his or her estate after the payment of his or her debts and such devise or bequest shall be valid to the extent of such one-fourth, and no such devise or bequest shall be valid in any will which shall not have been made and executed at least two months before the death of the testator, and the said corporation shall be also competent to act as a trustee in respect to any devise or bequest pertaining to the objects of said corporation; and such devises and bequests of real or personal property may be made to said corporation, in trust, for any of the purposes comprehended in the general objects authorized by its charter as amended; and such trusts may continue for such time as may be necessary to accomplish the purposes for which they may be created.

Chap. 228.

AN ACT to incorporate "The Saint Mary's Canal Mineral Land Company."

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body corpo-
rate

§ 1. Erastus Fairbanks, John F. Seymour, John W. Brooks, Benjamin Tibbetts, and their associates, and all other persons who may become holders of the stock hereinafter mentioned, and their successors, are hereby constituted a body corporate, under the name of "The Saint Mary's Canal Mineral Land Company," for the purpose of holding, exploring, improving, managing, selling and conveying, such lands as the Saint Mary's Falls Ship Canal Company may convey, or agree to convey, to it, or to hold for its use and benefit, with power to hold, manage, sell and convey, such mineral rights, shares and interests in said real

or personal estate, as the said company may find to be expedient for the objects of its incorporation.

§ 2. The capital stock of the company hereby incorporated shall be one million of dollars, divided into shares of ^{Capital stock.} fifty dollars each, any part of which may be allotted or transferred on such terms and conditions as may be agreed upon, as stock paid wholly or in part, as the case may be, to the said The Saint Mary's Falls Ship Canal Company, or to the stockholders thereof, in payment for any lands which may be conveyed by said company to the company hereby incorporated, at such price as may be agreed upon between said companies, and the remainder of said stock shall be disposed of for the benefit of the corporation hereby created, in such manner, and on such terms, and at such rate, as the directors may see fit.

§ 3. The corporators hereinbefore mentioned by name, ^{First director.} with five other persons to be designated in writing by them, or a majority of them, shall be the first directors of the corporation hereby created, and shall hold their office until others are chosen in their stead. There shall be an annual election of nine directors for the said company, to be held at such time and place, and under such regulations, and on such public notice, not less than ten days, in the state paper, as the directors, by their by-laws, may prescribe. Each ^{Stockholder entitled to vote.} stockholder shall be entitled, at every such election, to one vote, either in person or by proxy, for each share of stock held by him. If any election of directors shall not be held as above directed, the same may be held at any other time and place, to be appointed for that purpose by the directors. The stockholders, at any annual meeting for the election of directors, or at a special meeting called by the directors, by giving at least fifteen days previous notice of the time and place of holding the same, in the state paper, may, by a majority of the votes of those attending such meeting, provided a majority in amount of the whole stock be represented, each stockholder having the right to one vote, either in person or by proxy, on each share of stock held by him, adopt such by-laws for the management of the property and concerns of the said corporation as they may deem proper, which by-laws shall be binding upon the directors and officers of the company; and the said by-laws, and any or either of them, may be altered, amended or repealed, at any like meeting of the stockholders.

President.

§ 4. The directors of the said corporation may appoint one of their number to be president, and such other officers and agents as they may deem necessary, and may make such by-laws, rules and regulations as they may think proper and expedient, touching the disposition and management of the property, estate and effects of the said corporation, the transfer of the shares thereof, the duties and conduct of their offices and agents, the election and meeting of the directors, and all matters whatsoever, which may appertain to the business and affairs of the corporation. The board may fill all vacancies occurring in its number.

Liability of stockholders

§ 5. Each and every stockholder shall be individually liable to the creditors of the said corporation for all debts that may be due and owing by the corporation, to an amount equal to the amount unpaid on the stock held by him, until he shall have paid in full to the said corporation the amount of such stock so held by him; but no stockholder shall be personally liable for the payment of any debt contracted by the said corporation which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against said corporation within one year after the debt shall become due; and no suit shall be brought against any stockholder in said corporation for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in said corporation, nor until an execution against the corporation shall have been returned unsatisfied in whole or in part. No person holding stock in said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator, or intestate, or the ward or person interested in such fund, would have been if he had been living and competent to act, and held the stock in his own name. Every such executor, administrator, guardian or trustee, shall represent the shares of stock owned by him as such executor, administrator, guardian or trustee, at all meetings of the company, and may vote as a stockholder; and every person pledging his stock as

aforesaid, may in like manner represent the same and vote accordingly.

§ 6. This act shall take effect immediately.

Chap. 229.

AN ACT to amend an act entitled "An act to incorporate the Provident Fund Society of the city of New York," passed April fourteenth, eighteen hundred and fifty-seven.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the powers and privileges of a corporation as granted by an act entitled "An act to incorporate the Provident Fund Society in the city of New York," said society may establish and receive subscription to a fund, to be paid over to the surviving subscribers to such fund, in such amounts, and at such time or times, as may be agreed upon.

§ 2. This act shall take effect immediately.

Chap. 230.

AN ACT to amend the act entitled "An act to authorize the formation of a Railroad Corporation in place of the Northern Railroad Company, dissolved, and to empower said corporation to execute a mortgage upon its property," passed March thirty-first, eighteen hundred and fifty-seven.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Extension of
time of pay-
ment of first
bonds, &c.

SECTION 1. The Ogdensburgh railroad company, the corporation organized under, and pursuant to the act hereby amended, is hereby authorized to agree upon and adopt any plan of extension of the time of payment of the first issue of bonds of the Northern railroad company, to which the assent of a sufficient number of the holders of said bonds shall be obtained, to warrant the carrying out of such plan, and to execute a mortgage of its property and franchise, to secure the performance and fulfillment of any obligations, covenants or agreements, into which the said Ogdensburgh railroad company may enter, or which it may assume, in carrying out such plan of extension; such mortgage to be, in its terms and provisions, substantially as provided in said act hereby amended, but may be varied therefrom so far as may be necessary to adapt it to the plan of extension finally agreed upon and adopted between the said Ogdensburgh railroad company and the holders of said first issue of bonds.

Ogdens-
burgh rail-
road de-
clared incor-
porated.

§ 2. The said Ogdensburgh railroad company is hereby declared to be duly incorporated, and a duly certified copy of its articles of association made and filed, pursuant to the act hereby amended, shall in all cases be sufficient evidence of its incorporation, without proof of the preliminary proceedings required by said act, or of any of them.

Shares.

§ 3. The board of directors of said Ogdensburgh railroad

company, may, at any time prior to the issuing of certificates of stock by said company, by resolution to be duly adopted by said board, divide the capital stock of said company into a different number of shares from that prescribed by said articles of association, but shall not change the aggregate amount of said capital stock, and shall never in any other instance vary the number of shares thereof.

§ 4. This act shall take effect immediately.

Chap. 231.

AN ACT in relation to the Buffalo and Allegany Valley Railroad Company, and the Buffalo and Pittsburgh Railroad Company.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Buffalo and Allegany Valley railroad company is hereby authorized and empowered to sell and convey all its property and effects whether real, personal or mixed, to the Buffalo and Pittsburgh railroad company, and the Buffalo and Pittsburgh railroad company is hereby authorized and empowered to purchase the same.

B. & A. V. R.
R. to sell its
property.

§ 2. The said Buffalo and Allegany Valley railroad company is hereby declared to be a valid corporation duly organized under the act to authorize the formation of railroad corporations and to regulate the same, passed April second, eighteen hundred and fifty, and the several acts amending the same, notwithstanding any error, informality, insufficiency, act or omission on the part of such company or any of the stockholders in the proceedings to become incorporated, and the said corporation and all the proceedings of its stockholders and officers, are hereby legalized and confirmed, and the articles of association of said company on file in the office of the secretary of state, or a cer-

A valid corporation.

tified copy of the same, may be used as evidence in all courts and places for and against said company, with the like effect as if the same were in all respects formal and regular.

§ 3. In case no sale is made as provided in the first section of this act, then the time for the completion of the said Buffalo and Allegany Valley railroad is hereby extended five years from the passage of this act.

§ 4. Nothing herein contained shall effect any suit in any court commenced before the passage of this act.

§ 5. This act shall take effect immediately.

Chap. 232.

AN ACT to amend an act entitled "An act to sell the burial ground at the Wallabout, in the city of Brooklyn, and to provide places of burial," passed February seventh, eighteen hundred and fifty-seven.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Purchase of
Grounds, &c.

SECTION 1. The conveyances, releases and acquittances which may be deemed necessary or proper to vest in the commissioners appointed by an act to amend an act entitled "An act to sell the burial ground at the Wallabout, in the city of Brooklyn, and to provide places of burial," passed February seventh, eighteen hundred and fifty-seven, and in the purchases of said burial ground, all the right, title and interest of the congregations and religious societies mentioned in said act, of, in and to said ground, and any use thereof, shall be executed by authority of the several boards of trustees of such congregations and religious societies, by their president or such other officers or members of said board as such board shall direct, and all con-

conveyances, releases or acquittances heretofore or hereafter executed by said president or other proper officers or members of such boards of trustees to such commissioners or to the purchasers aforesaid, shall be valid and effectual in the law for the purposes aforesaid.

§ 2. Such board of trustees may, if they shall be so advised, apply to the supreme court, or to the county court of Kings county, for leave to make such conveyances, releases or acquittances; and all proceedings heretofore or hereafter had upon such applications, and all conveyances, releases and acquittances made in pursuance thereof, shall be deemed valid and effectual for the purposes contemplated by the first section of this act, and by the act hereby amended. Trustees.

§ 3. The lands and burial places which the commissioners appointed by the act hereby amended, and the several congregations and religious societies therein referred to, are authorized to purchase, may be located in any one of the public or incorporated cemeteries situated within the county of Kings or Queens; and the eight shares of the residue of the money arising from the sale of the said Wallabout burial ground, may be expended among other purposes after purchasing other lands and burial places, in the removal of remains, head stones and monuments from such burial ground, to the lands and burial places which may be so purchased, and to the re-interment of such remains, and the replacing of such head stones and monuments, in such order as the said commissioners shall approve, and in such manner as to designate the particular place where such remains shall be buried. Commissioners, and powers of.

§ 4. This act shall take effect immediately.

Chap. 233.

AN ACT in relation to the auditing of expenses for the Support of the Poor, and the purchase of Supplies, in the county of Cayuga.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of supervisors to audit and settle accounts of superintendents of poor.

SECTION 1. The board of supervisors of the county of Cayuga, shall hereafter at their annual meeting, audit and settle all accounts of the superintendents of the poor and of the keeper of the county poor house of said county, the accounts of the overseers of the poor of the city of Auburn, and of the several towns of said county, for services and expenses incurred by them for the temporary relief of the county poor of said county, and the accounts of all other persons for like services rendered, or for supplies furnished, and for medical attendance by physicians for the poor, chargeable to said county.

Power to contract with persons for supplies.

§ 2. The board of supervisors of said county, shall have power to contract with any person or persons, for supplies to be furnished to the poor chargeable to said county as county paupers, and to fix the salary of the overseers of the poor of the city of Auburn, in said county, for their personal services in the discharge of their official duties, so far as relates to the paupers of said city, chargeable to said county of Cayuga.

Superintendents of poor a board of auditors, &c.

§ 3. The superintendents of the poor of the said county of Cayuga, are hereby constituted a subordinate board to assist in auditing the poor expenses of said county, and shall be under the direction and control of the board of supervisors of said county.

Superintendents not to be interested in supplies furnished, &c.

§ 4. The superintendents of the poor of said county, the keeper of the county poor house, and the overseers of the poor of the towns and of the city of Auburn, in said county, shall not, nor shall either of them be directly or indirectly interested in any supplies furnished or ordered by them or either of them; and no accounts shall be audited by said board of supervisors for services rendered or supplies fur-

nished for the poor of said county, unless the same shall be made out in items, with dates, stating the time and nature of the services rendered the quantity and quality of the articles furnished, and the time when the same were delivered, duly verified according to the form prescribed by law, applicable to accounts audited by boards of supervisors.

§ 5. The superintendents of the county poor shall, in each year, render under oath to the board of supervisors of said county, at its annual meeting, a true and faithful statement of all moneys received by them from said county, and from the commissioners of emigration for the support of county paupers, of all the products raised on the county farm belonging to the said county poor house, and of the disposition whis* has been made of the same, and of all labor which has been performed by the county paupers or by any property belonging to the county, with the manner in which and the persons for whose benefit the same has been performed.

Statement
under oath
to board of
supervisors.

§ 6. It shall be the duty of each overseer of the poor in said county of Cayuga, to enter in a book to be by him kept for that purpose, a full and accurate statement of all sums of money by him received or expended as such overseer of the poor, with the date of the receipt and disbursement thereof, the name, age and sex of each poor or indigent person relieved by him, and the cause of pauperism or indigence in each case, so far as the same can be ascertained, and the items of expenditure in the relief of each such poor or indigent person. It shall be the duty of each of said overseers of the poor, to make and furnish to the supervisor of his town, within one week preceding the annual meeting of the board of supervisors, a just and accurate transcript of all the statements and entries so required to be made by him, for the year ending on the first day of November, in each year; and it shall be the duty of each supervisor to whom such statement shall be furnished, to deliver the same to the clerk of the board of supervisors of said county, on or before the first day of the meeting of said board in each year.

Book to be
kept, &c

§ 7. The board of supervisors of said county shall have power to direct, by resolution, to be entered on its minutes, in relation to and the manner in which the supplies for the county poor house, or any portion thereof, shall be purchased, obtained or contracted for, and also as to the amount

Power of
board of
supervisors,
&c.

* So in the original.

and manner of affording temporary relief by the overseers of the poor of the several towns in said county; and when any such direction shall be given by said board of supervisors, the same shall be observed and carried out by the said superintendents and overseers of the poor.

§ 8. All provisions of law inconsistent with the provisions of this act, are hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 234.

AN ACT to authorize the Supervisor of the town of Parma, in the county of Monroe, to borrow money to build or repair bridges in said town.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The comptroller is hereby authorized to loan to the town of Parma, in the county of Monroe, the sum of one thousand dollars, out of any money in the treasury belonging to the common school fund. The supervisor of said town of Parma shall issue a bond to the comptroller for the said sum of one thousand dollars, payable in five equal annual instalments, with annual interest; which sum shall be a debt against the said town, to be levied upon the taxable property therein, and collected in the same manner as other town charges.

§ 2. The board of supervisors of the county of Monroe, at their annual meeting, shall assess upon the taxable property of said town of Parma, the said sum of one thousand dollars, in five equal annual payments, with annual interest; the money when collected shall be paid into the county treasury. The treasurer shall pay to the treasurer of the state the sum so collected, within twenty days after the same shall be received by him, to apply on said bond.

§ 3. This act shall take effect immediately.

Chap. 235.

AN ACT to authorize the Fort Edward Blast Furnace Company to borrow money and execute bonds and mortgages on its property.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Fort Edward Blast Furnace Company are hereby authorized, on obtaining the consent of a majority of the stockholders owning a majority of the stock therein, to borrow money to an amount not exceeding seventy-five thousand dollars, for the purpose of paying the debts and liabilities of said company, and of prosecuting the business thereof; and to execute, or cause to be executed, on the part of said company, by their president and treasurer, and under the seal of the company, a bond or bonds, bearing interest not exceeding seven per cent, payable annually or semi-annually, at such place as the president may determine; and also a mortgage or mortgages to accompany such bond or bonds, of all or any part of the property of said company, for the payment of the moneys borrowed and interest.

§ 2. Nothing in this act contained shall be construed as creating a legal existence to the Fort Edward Blast Furnace Company, or as releasing or discharging said company, its officers, or any individual member thereof, from personal liabilities for debts now existing against said company, or for debts which may exist or be created by and during the continuance of the mortgage or mortgages authorized by this act.

§ 3. This act shall take effect immediately.

Chap. 236.

AN ACT to release the right of the state of New York in a village lot in Geneva, heretofore escheated.

Passed April 15th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title, interest and estate of the people of this state, in and to a certain village lot in the village of Geneva, county of Ontario, and state of New York, whereof Nicholas Grier, an alien, died possessed, and which is particularly described as follows: "All that certain piece or parcel of land situate in the village of Geneva, in the county of Ontario, and state of New York, known and distinguished as lot number three of George Matthewson's allotments of the cotton factory lot, so called, on the west side of Water street, in the said village of Geneva, bounded north by lot number two, occupied by James Palmer, east by Water street, south by lot number four, owned by William Young, Jr., and west by lot number five, belonging to Joseph Fellows, being fifty feet in front and rear, and one hundred feet deep," is hereby released to Thomas C. Maxwell, John McKay and Eli A. Bronson, and their successors and assigns, for the use and purpose only of keeping up and maintaining thereon a Bethel Sabbath school, which shall be free for any person or child in the village of Geneva, and to teachers from any religious sect or denomination, or congregation therein, and for the purpose of keeping thereon a house of public worship for the use of the inhabitants of the village of Geneva, without regard to sect or condition, and in which any minister of any Christian sect or denomination may hold public religious worship.

§ 2. On the failure of the performance of the conditions in the first section mentioned, the said premises shall revert to and belong to the people of the state of New York, the same as if this act had not been passed.

§ 3. Nothing in this act contained shall affect the rights

of any creditor, or the title of any citizen of the United States or of the state of New York, to the above described premises, or any part thereof.

§ 4. This act shall take effect immediately.

Chap. 237.

AN ACT to authorize the town of Lowville, Lewis county, to raise money for town purposes.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Lewis, at the next annual meeting, shall cause the sum of three hundred and twenty-five dollars to be assessed and collected from the town of Lowville, in said county, and the same when collected shall be paid to the supervisor of said town of Lowville, for the purpose of paying the debt of that amount due for the completion of a public building in Lowville, aforesaid, for town and county purposes, according to the vote of said town at its last annual town meeting, in favor of the same.

§ 2. This act shall take effect immediately.

Chap. 238.

AN ACT in relation to the village of Palmyra, and to amend the charter thereof.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Police justice.

SECTION 1. The act entitled "An act to incorporate the village of Palmyra," passed March twenty-ninth, eighteen hundred and twenty-seven, is hereby amended so that the same shall read as follows:

Trustees to appoint one justice.

There shall be elected at the general election of officers in the village of Palmyra, a police justice for said village, who shall hold his office one year, and until another shall be elected. In case the person so elected shall not be at the time of his election an acting justice of the town of Palmyra, he shall take and subscribe the usual oath of office, and file the same with the clerk of the county of Wayne, at which office his election shall also be certified by the clerk of the said village. The trustees of the said village are hereby authorized to appoint one of the acting justices of of the said village to fill the office and discharge the duties of the police justice of said village, until the next annual election of officers in said village.

Powers of justice.

§ 2. Such police justice shall possess the same powers in all criminal cases, be subject to the same duties and liabilities, and be entitled to the same fees, except as herein provided, as justice of the peace in towns. He shall reside and keep an office in the village, and all warrants issued in criminal cases by any justice of the peace residing in the village, shall be made returnable before the police justice, except in case of his absence or of his inability to act, or of a vacancy in his office, and except in those cases in which such warrants are by law to be made returnable before a magistrate of another town, in which the offence charged was committed.

Fees of police justice.

§ 3. The fees of the police justice shall be collected in the same manner as those of the justices of the peace in

towns in criminal cases, except that for all proceedings in relation to offences, created by this act, and all proceedings for violation of any ordinance of the village, he shall receive such compensation as the trustees shall ordain; and he shall within five days after the same shall have been received by him, pay to the treasurer of the village all fines and penalties that may be collected by him in any such proceeding.

§ 4. The police justice shall have power, in cases of persons brought before him charged with having committed any offence in violation of any ordinance of the village, to proceed summarily to try such persons, and hear and determine the alleged offences and charges; and in case any person shall be found guilty of having violated any ordinance of the village for which a penalty is by the ordinance imposed, said justice shall require such penalty, with the costs and fees, to be paid to him within twenty-four hours, and during that time the defendant shall remain in the custody of the constable, and if the penalty, and costs and fees, be not paid within that time, may order the defendant to be confined in the watch house or lock-up, or county jail, for a time not exceeding sixty days, unless the penalty, and costs and fees, be paid sooner.

§ 5. The trustees of said village shall have power to build and maintain a watch house or lock-up in the village; and they are hereby authorized to levy and collect, in the same manner as other taxes are levied and collected, the sum of five hundred dollars, to be expended in the erection and completion of the watch house or lock-up, to be built, erected or arranged in the basement or cellar of a building owned by the said village and occupied by the said village as a fire engine house; and the police justice, or any other magistrate in cases in which another may act, shall have power to order vagrants and disorderly persons who may have been brought before him for offences and acts committed within the village, to be confined in said watch house or lock-up for a time not exceeding ten days; and such magistrate may commit to be confined in such watch house or lock-up, any person for safe keeping who may be brought before him charged with crime, pending the examination or trial of such person, or during any adjournment for the purpose of procuring testimony or otherwise, for a time not exceeding five days.

§ 6. There shall also be elected at each annual election of officers, a police constable of said village, who shall hold his office one year, and whose especial duty it shall be to

Persons ar-
rested, &c.

see that the police regulations and ordinance of the village be observed, and to discover and report to the president all violations thereof. He shall be the keeper of the watch house or lock-up, and have charge of the persons confined therein. He shall have power, without process, to arrest and bring before the police justice, or other magistrate in cases in which another can act, persons guilty in his presence of violating the public peace or any village ordinance, and all persons designated by law as vagrants or disorderly persons, who may be guilty of acts rendering them such, in his presence. He may take into custody any person found intoxicated in any street or public place, and keep him in a proper place provided by the trustees, until he can be brought before the police justice, or other magistrate authorized to act. Every person so arrested shall be immediately brought before the police justice, or other magistrate authorized to act. The police constable shall be entitled to the same fees as other constables in criminal cases, and such additional compensation as the trustees may by resolution provide. And the said trustees are hereby authorized to appoint one of the acting constables of said village who shall discharge the duties and fill the office of police constable as hereinbefore provided, until the next annual election of the officers of said village.

Vacancy, &c.

§ 7. In case of the absence from the village, inability to serve, or vacancy in the office of the police justice, any other justice of the peace residing in the village shall possess all the powers hereby conferred on the police justice.

§ 8. If a vacancy shall occur in the office of either the police justice or police constable, the trustees may appoint a person to fill such vacancy until the next annual election, and the person so appointed shall possess the same powers hereby conferred on such officers respectively.

§ 9. Nothing in this act contained shall be construed to prevent or control actions by and in the name of the trustees to recover penalties for the violations of village ordinances.

§ 10. In the absence of the police constable, the trustees for the time being shall be ex-officio police constables, and shall have power, without process, to arrest and bring forthwith before the police justice, any person or persons guilty in his or their presence, of violating any of the provisions of this act, or any rule, regulation or ordinance of the village.

towns in criminal cases, except that for all proceedings in relation to offences, created by this act, and all proceedings for violation of any ordinance of the village, he shall receive such compensation as the trustees shall ordain; and he shall within five days after the same shall have been received by him, pay to the treasurer of the village all fines and penalties that may be collected by him in any such proceeding.

§ 4. The police justice shall have power, in cases of persons brought before him charged with having committed any offence in violation of any ordinance of the village, to proceed summarily to try such persons, and hear and determine the alleged offences and charges; and in case any person shall be found guilty of having violated any ordinance of the village for which a penalty is by the ordinance imposed, said justice shall require such penalty, with the costs and fees, to be paid to him within twenty-four hours, and during that time the defendant shall remain in the custody of the constable, and if the penalty, and costs and fees, be not paid within that time, may order the defendant to be confined in the watch house or lock-up, or county jail, for a time not exceeding sixty days, unless the penalty, and costs and fees, be paid sooner.

§ 5. The trustees of said village shall have power to build and maintain a watch house or lock-up in the village; and they are hereby authorized to levy and collect, in the same manner as other taxes are levied and collected, the sum of five hundred dollars, to be expended in the erection and completion of the watch house or lock-up, to be built, erected or arranged in the basement or cellar of a building owned by the said village and occupied by the said village as a fire engine house; and the police justice, or any other magistrate in cases in which another may act, shall have power to order vagrants and disorderly persons who may have been brought before him for offences and acts committed within the village, to be confined in said watch house or lock-up for a time not exceeding ten days; and such magistrate may commit to be confined in such watch house or lock-up, any person for safe keeping who may be brought before him charged with crime, pending the examination or trial of such person, or during any adjournment for the purpose of procuring testimony or otherwise, for a time not exceeding five days.

§ 6. There shall also be elected at each annual election of officers, a police constable of said village, who shall hold his office one year, and whose especial duty it shall be to

see that the police regulations and ordinance of the village be observed, and to discover and report to the president all violations thereof. He shall be the keeper of the watch house or lock-up, and have charge of the persons confined therein. He shall have power, without process, to arrest and bring before the police justice, or other magistrate in cases in which another can act, persons guilty in his presence of violating the public peace or any village ordinance, and all persons designated by law as vagrants or disorderly persons, who may be guilty of acts rendering them such, in his presence. He may take into custody any person found intoxicated in any street or public place, and keep him in a proper place provided by the trustees, until he can be brought before the police justice, or other magistrate authorized to act. Every person so arrested shall be immediately brought before the police justice, or other magistrate authorized to act. The police constable shall be entitled to the same fees as other constables in criminal cases, and such additional compensation as the trustees may by resolution provide. And the said trustees are hereby authorized to appoint one of the acting constables of said village who shall discharge the duties and fill the office of police constable as hereinbefore provided, until the next annual election of the officers of said village.

Persons arrested, &c.

§ 7. In case of the absence from the village, inability to serve, or vacancy in the office of the police justice, any other justice of the peace residing in the village shall possess all the powers hereby conferred on the police justice.

Vacancy, &c.

§ 8. If a vacancy shall occur in the office of either the police justice or police constable, the trustees may appoint a person to fill such vacancy until the next annual election, and the person so appointed shall possess the same powers hereby conferred on such officers respectively.

§ 9. Nothing in this act contained shall be construed to prevent or control actions by and in the name of the trustees to recover penalties for the violations of village ordinances.

§ 10. In the absence of the police constable, the trustees for the time being shall be ex-officio police constables, and shall have power, without process, to arrest and bring forthwith before the police justice, any person or persons guilty in his or their presence, of violating any of the provisions of this act, or any rule, regulation or ordinance of the village.

§ 11. Nothing in this act shall be so construed as to prevent any person charged with any offence by virtue of this act, from a trial by jury, when such person shall demand the same.

§ 12. This act shall take effect immediately.

Chap. 239.

AN ACT to amend an act to supply the village of Watertown with pure and wholesome water, and for other purposes, passed March 22, 1853.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-first of the act entitled "An act to supply the village of Watertown with pure and wholesome water, and for other purposes," passed March twenty-second, eighteen* hundred and fifty-three, is hereby amended so as to read as follows:

§ 21. It shall be the duty of said commissioners, out of the moneys received by them after the said works shall be completed, for water rents or otherwise, first to pay the interest on the moneys by them borrowed for the purpose of constructing the said works, and out of the ballance of such moneys to pay the expenses of superintending, maintaining and repairing said water works, fixtures and erections connected therewith; and if any moneys shall remain in their hands, after paying the sum aforesaid, the same shall be safely and securely invested upon bond and mortgage or other securities bearing interest, as a sinking fund, out of which to pay the money so borrowed. If the said commissioners shall at any time ascertain that there shall not be sufficient money in their hands to pay the interest on the money borrowed for constructing said water works, and

Duty of commissioners, &c.

* So in the original.

the expenses of superintending and keeping them in repair, they shall furnish to the trustees of said village a certificate setting forth such deficiency and the amount thereof. On the receipt of such certificate, it shall be the duty of said trustees to direct and require the assessors of said village, forthwith, to assess upon the property, real and personal, in said village liable to taxation, to defray the contingent and other expenses of said villages, the amount so required to be raised; and it shall be the duty of said assessors to assess the amount so required to be raised upon such property, real and personal, in said village as is situate in such parts or portions thereof as shall have been supplied with water pipes and hydrants at the time of making any such assessment whether such owner or occupant actually uses said water or not. In making such assessment, said assessors shall procure a book and insert therein in one column the names of all owners and occupants of lands or tenements, and all other persons or corporations liable to assessment under this act, and in a second column, opposite to the name of each person, shall be placed the assessed valuation of such lands or tenements, and in a third column the assessed valuation of the personal property so assessed, and in a fourth column the amount of tax which he or she is liable to pay. After said assessment roll is completed, said assessors shall cause to be published, in each of the newspapers printed in said village, once a week for two successive weeks, a notice that such roll is completed, and specifying where said roll will be left for inspection, and the times and places said assessors will attend to hear objections to said assessment; such roll shall be left at the place designated, and shall be open to the inspection of all persons for thirty days from the day of the first publication of said notice. Any person deeming himself or herself aggrieved by the assessment, may appear before the said assessors personally, or by his or her agent or attorney, at the time and place designated by them for hearing objections, which shall be at least one day in each week during said thirty days, and make known to said assessors in what respect the assessment is erroneous; and if any person shall claim to have the appraised value of his or her real or personal estate reduced, the said assessors may examine such person, or his or her agent or attorney, on oath, touching the value of said property or the rate of benefit; but such valuation or assessment shall not be reduced, unless the assessors shall be satisfied that injustice

has been done; and if upon such examination they shall become satisfied that such appraisal and estimate is *to** low they shall raise the same to such sum as shall be deemed to be just and equitable. After the expiration of said thirty days, the said assessors shall review said assessment roll, and if they shall find that the reduction or increase in valuation, has increased or reduced the aggregate amount of tax assessed, above or below the amount required, they shall proceed to deduct such excess from, or add such deficiency to the amount assessed, on all the persons named in such list, as the same shall have been determined by said assessors; and their decision, or that of a majority of them, shall be final and conclusive upon the parties.

§ 2. This act shall take effect immediately.

Chap. 240.

AN ACT to incorporate the Great South Bay Steam Navigation Company.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Stephen F. Griffing, Egbert T. Smith, Jesse ^{Body orpo-} W. Pelletreau, David T. Hawkins, Henry Osborn, Walter ^{rate.} Howell, George P. Mills, Daniel Robinson, John S. Havens, Daniel Chichester, I. Edwin Roe, Walter Homan, John R. Suydam, Silas C. Seaman, William T. Hawkins, Samuel T. Green, Nathaniel C. Green, S. S. Hawkins, Wilson I. Terry and George W. Thurber, and all such other persons as may associate with them and their successors, are hereby constituted a body corporate by the name of the Great South Bay Steam Ferry Company.

§ 2. The capital stock of the said corporation shall be ^{Capital} fifteen thousand dollars, but the corporation may at any time ^{stock.} increase the same until it amounts to forty thousand dollars.

* So in the original.

The shares of the said capital stock shall be ten dollars each.

**Commis-
sioners to re-
ceive sub-
scriptions.** § 3. The persons named in the first sections of this act shall be commissioners for receiving subscriptions to the capital stock of the said corporation.

**Books to be
opened.** § 4. The books for such subscriptions shall be opened at such place in Suffolk county, and on such days, as the commissioners shall, by two weeks previous notice thereof, published in two or more newspapers of the county of Suffolk, appoint, and the said books shall be kept open until the said capital stock shall be subscribed.

**Form of sub-
scription.** § 5. The commissioners shall prescribe the form of such subscription, and may include therein a provision that any subscription shall be forfeited if the subscriber fails to comply with the conditions or terms prescribed.

**When stock
is subscribed** § 6. Whenever such capital stock shall be subscribed, the commissioners shall give one week's notice of the time and place of meeting of the stockholders, by publishing such notice in two or more newspapers of Suffolk county. At the time and place appointed the stockholders or their proxies, duly appointed in writing, shall, by ballot, elect a president and eight directors, four of whom, with the president, shall be a quorum competent to transact business. All subsequent elections shall be held in accordance with the by-laws of the corporation, but notice of such elections shall be published in two or more newspapers of the county of Suffolk, at least two weeks before such elections are held. Each stockholder shall be entitled to one vote for each share of stock held by him, and a majority of the votes cast shall determine the choice.

**President
and direct-
ors, when
chosen.** § 7. The president and directors shall be chosen annually, and shall hold their offices for one year, and until others are elected in their places. They shall appoint a secretary and treasurer, and such other officers and agents as they may deem proper.

**Power of
directors.** § 8. The president and directors shall have power to call in the subscriptions to the said stock, in such amounts and at such times as they shall think proper, but in accordance with the terms of the subscription. After public notice in two or more newspapers published in Suffolk county, for two or more weeks, they may declare the stock of such persons neglecting to comply with the terms of subscription, or neglecting at any time to pay any instalments upon such stock, according

to the terms of their subscription, together with all previous payments thereon, to be forfeited to the use of said company; or the said company may recover from such delinquent stockholders and subscribers the amount due on their shares, by an action in any court having cognizance thereof.

§ 9. The corporation hereby created is authorized and empowered:

1. To build, equip, furnish, fit, purchase, charter and own Power of the corporation. vessels to be propelled solely or partially by steam, to be used in transporting freight and carrying passengers from the city of New York to the village of Katchabonnock, in the town of Southampton and county of Suffolk, and from the said village of Katchabonnock to the city of New York, together with the privilege of landing on the south beach, near Fire Island light house; also landing at the village of Saysville, Southport, Patchogue, Bellport and Moriches, in Suffolk county, and on the shores of the "Great South Bay."

2. To purchase, hold and own such lands upon and adjoining the shores of the Great South Bay, at Katchabonnock, Moriches, Bellport, Patchogue, Southport, Saysville, and on the south beach, near Fire Island light house, as may be necessary for the erection of suitable and proper docks, wharves and piers, and to erect, build, own and maintain such docks, wharves and piers.

3. To lease, alien and convey any lands and real estate, ibid. docks, wharves or piers belonging to the said corporation, whether the same shall become vested in the corporation by purchase or voluntary contribution.

§ 10. The stockholders of said corporation shall be severally individually liable to the creditors of the said corporation, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said corporation.

§ 11. The said corporation shall contract no debt which by its terms is not made payable within two years from the time when such debt was contracted.

§ 12. It shall be the duty of the said corporation to cause a Book to be kept containing names of stockholders book to be kept by some officer or clerk thereof, containing the names of all persons who are or shall, within two years, have been stockholders in said corporation, and showing their places of residence, the number of shares of stock held by each, and the time when they became the owners of such shares; which book shall, at all reasonable times, be open

for the inspection of the creditors and stockholders of the said corporation, or their representatives, at the office or principal place of business of said corporation.

Ferry.

§ 13. It shall be lawful for the said corporation to set up, keep and maintain, by steam or partially steam vessels, a ferry to the places named in section nine and subdivisions one and two of this act, to their own exclusive use for the period of twenty years from the first day of March, eighteen hundred and fifty-eight.

Certain persons prohibited from carrying, &c.

§ 14. If any persons other than the corporation herein named shall, after the said corporation shall have furnished themselves with the necessary steam vessels, and whilst the same are in operation between the points named, at least twice in each week, transport any person or persons, goods or chattels, by steam vessels, between either of the places named in section nine, in subdivisions one and two of this act, for hire or pay, such person or persons shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered with costs of suit, in any court having cognizance thereof, by any person who shall sue for the same; but nothing herein contained shall be so construed as to prevent any person from transporting himself, his family, goods and chattels or effects, in his own steam vessel or boat, within the limits aforesaid.

Upon refusal or neglect to run vessels.

§ 15. If it shall appear to the county court of Suffolk county, upon sufficient evidence, that after the said corporation shall have been organized one year, that they neglect or refuse to run vessels propelled solely or partially by steam, to the places named in this act, for eight months in any one year, then it shall and may be lawful for the said court to adjudge and determine that the said corporation have forfeited all rights under this act, and thereupon this act shall cease and become void.

§ 16. The act entitled "An act to incorporate the South Bay Steam Navigation Company," passed April thirteenth, eighteen hundred and fifty-five, is hereby repealed.

§ 17. This act shall take effect immediately.

Chap. 241.

AN ACT to authorize the appraisal and payment of canal damages to George Brodock and others.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to hear, examine and determine the claim of George Brodock, James M. Beverly, Chauncey Brodock, Orville Elmer and Cyrus Peckham, for damages alleged to have been sustained by them respectively, by reason of the construction of an embankment of earth in front of and near their dwellings and buildings, in the town of Verona, Oneida county, on the Erie canal enlargement, during the year eighteen hundred and fifty-two, and thereafter; and if damages have been sustained by the persons above named, from the cause stated, which, in the judgment of the canal appraisers, the state ought to pay, and which have not been paid or satisfied, the appraisers shall proceed to make such an award therefor, in each individual case, as in their judgment shall be just and equitable. The award of the canal appraisers shall be subject to appeal to the canal board, as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor, to the above named persons, such sum or sums as may be awarded under this act, out of any moneys in the treasury appropriated or to be appropriated to the Erie canal enlargement.

§ 3. This act shall take effect immediately.

Chap. 242.

AN ACT for the appraisal and payment of canal damages to Augustus Allen.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and directed to hear and determine the claim of Augustus Allen, of Mount Morris, Livingston county, for damages sustained by him in consequence of taking his house and lot in the construction of the Genesee Valley canal, and they shall make such award as in their judgment shall be equitable and just; such appraisement and awards, if any be made, shall be subject to appeal to the canal board as in other cases.

§ 2. The treasurer shall pay upon the warrant of the auditor, such sum as shall be awarded by virtue of this act, out of any moneys in the treasury appropriated or to be appropriated to the construction of the Genesee Valley canal.

§ 3. This act shall take effect immediately.

Chap. 243.

AN ACT to authorize the appraisal and payment of canal damages to Solomon Rathbun and others.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to hear, examine and determine the claims of Solomon Rathbun, Patrick Rant, Neriah White, Jackson Covell, James Rant, Henry S. Burdick and Hiram Agan, residing in Verona and Vienna, Oneida county, for damages alleged to have been sustained by them individually, by reason of the overflowing of their respective lands and the injury and destruction of their crops, grass, pasture and grains, in consequence of the opening of the waste weirs upon the Erie canal in the vicinity of their farms and gardens, on or about the twenty-fifth of August, eighteen hundred and fifty-five, by order of the superintendent of canal repairs; and if upon such examination it shall appear that the damages have been sustained as alleged, from the cause alleged, they shall make such award therefor in each individual case, as in their judgment shall be equitable and just.

§ 2. The treasurer shall pay on the warrant of the auditor of the canal department, such sum or sums as shall be awarded under and by virtue of this act, to the above named Solomon Rathbun, Patrick Rant, Neriah White, Jackson Covell, James Rant, Henry S. Burdick and Hiram Agan, respectively, such sums as each may be entitled to, out of any moneys in the treasury appropriated or to be appropriated to the Erie canal enlargement; said awards not to exceed in the aggregate the sum of thirteen hundred dollars and twenty-five cents, which sum, or so much thereof as may be necessary, is hereby appropriated for that purpose.

§ 3. Any award made by virtue of this act, shall be subject to appeal to the canal board, as in other cases.

§ 4. This act shall take effect immediately.

Chap. 244.

AN ACT to authorize certain affidavits to be given in evidence.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever it shall be necessary on the trial of any action or in any judicial proceeding, to prove the service of any notice, an affidavit showing such service to have been made by the person making such affidavit, shall be received as presumptive evidence of such service, upon first proving that such person is dead or insane.

Chap. 245.

AN ACT for the relief of Samuel Avery.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners are hereby authorized and required to bear the claim of Samuel Avery, contractor for the construction of the dam and guard gate on section ten of the Cayuga and Seneca canal enlargement, for damages alleged to have been sustained by him in consequence of the plan of said work having been changed, and the expense thereof increased by the state, after entering into contract with him for doing the same, and to award to him such sum therefor as may be just and equitable; such

award shall be subject to appeal to the canal board by either party, as in other cases.

§ 2. The treasurer shall pay on the warrant of the auditor, from any moneys appropriated or to be appropriated to the Cayuga and Seneca canal enlargement, such sum, if any, as shall be awarded under the provisions of the first section of this act.

§ 3. This act shall take effect immediately.

Chap. 246.

AN ACT for the payment to the Croton Aqueduct Department, of the city of New York, for water supplied to Sing Sing State Prison.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of the state of New York is hereby directed to pay, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the sum of one thousand two hundred and forty dollars, to the commissioners of the Croton aqueduct department, of the city of New York, for water supplied and to be supplied to the state prison at Sing Sing, from the first day of May, eighteen hundred and fifty-seven, to the first day of May, eighteen hundred and fifty-eight.

§ 2. This act shall take effect immediately.

Chap. 247.

AN ACT to provide for the Registry of Liens and Incumbrances upon Boats and Crafts navigating the canals of this state.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person having any lien or incumbrance on any canal boat, steam tug, scow or other craft navigating the canals of this state, by a chattel mortgage duly filed, may make a statement in writing setting forth the nature of his claim, the time when the same arose, the manner in which it originated, and the amount of such lien or incumbrance; and may annex thereto an affidavit made by himself or his agent or attorney, that the said statement is correct, and the claim just and true, and file the same in the office of the auditor.

§ 2. It shall be the duty of the said auditor, on the receipt of the said statement, to file the same in his office, and to enter the substance in a book to be provided for that purpose, and the amount, if any, claimed to be due, which book shall always during office hours be open for the inspection of all persons desiring to examine the same.

§ 3. All claims and liens by chattel mortgage, a statement of which shall be filed as herein provided, shall from the time of such filing have preference and priority over all other claims and liens, in the same manner and to the like extent of claims and liens arising on chattel mortgages filed and entered in towns where the mortgagor resides, but shall not have any priority over existing liens and claims.

§ 4. The auditor shall charge for filing the said statement and making the entry thereof as herein provided, the sum of fifty cents, and he shall not be obliged to file or enter the same until such sum is paid.

§ 5. Any statement made and filed as herein provided, and copies thereof duly certified by the auditor in the man-

ner required by law, may be read and used as evidence in all courts of justice.

§ 6. This act shall take effect on the first day of July next.

Chap. 248.

AN ACT to authorize the Canal Board to investigate the claim of Augustus C. Payne, for the loss of his canal boat.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized to hear and determine the claim of Augustus C. Payne, for the loss of his canal boat, called the Alnwick, of Oswego, and if upon said investigation it shall appear to the satisfaction of said canal board that the loss of said boat was wholly occasioned by the imperfect condition of a snubbing post, placed in a certain pier, by the direction of the officers of this state, or by the order of the superintendent of the Oswego canal, and that said post was intended for snubbing and securing boats from running over the dam, which caused the loss of said boat; and further, that said loss was occasioned by the negligence of any of the agents of the state, and in no degree by the negligence, carelessness or default of those having charge of said boat, then said board shall award said Payne, such sum as they may deem equitable, not exceeding eight hundred dollars.

§ 2. The treasurer shall pay, on the warrant of the auditor, such sums as the canal board may award under the preceding section of this act, out of any moneys applicable to the enlargement of the Oswego canal.

§ 3. This act shall take effect immediately.

Chap. 249.

AN ACT making certain portions of the counties of Fulton and Hamilton a road district, and applying the non-resident highway taxes to the construction of roads therein.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

In what
townships.

SECTION 1. All the lands in the town of Bleeker in the county of Fulton; also, all that part of Benson township, lying in the towns of Hope, Lake Pleasant and Wells, in Hamilton county; all of Bergen's purchase, in the town of Hope, lying west of the Sacandaga river, and all of said Bergen's purchase in the town of Wells, lots number one, two, three, four and five, in great lot number six, rear division, general allotment, Palmer's purchase; the north one-half of great lot number five, known as Leffert's tract, in the rear division, general allotment, Palmer's purchase; also, lots, numbers eight to fourteen, inclusive, in great lot four, rear division, Palmer's purchase; all of the Oxbow tract, in the town of Lake Pleasant; the south half of township number one, Totten and Crossfield's purchase, and the gore, south of township number one, Totten and Crossfield's purchase; and all of townships ten and twenty-nine, Totten and Crossfield's purchase, in the towns of Wells and Gilman, in the county of Hamilton, and the gore, in the town of Wells, north of Palmer's purchase, are hereby constituted a road district; and James H. Young and Rilus Eastman, of Bleeker, in the county of Fulton, and Wm. J. Powell, of Wells, in the county of Hamilton, are hereby appointed commissioners to lay out roads and expend the highway tax, assessed in said road district.

ibid.

County
treasurers to
pay over to
comptroller.

§ 2. The county treasurers of said counties of Fulton and Hamilton, shall pay over to the comptroller, when they make their annual return of the arrears of the taxes, the amount of the highway taxes assessed upon any of the said townships, or lots, which may have been paid over to the said

treasurers, and the comptroller shall pay over, annually, all such moneys so received by him, to said commissioners, or either of them.

§ 3. The said commissioners shall have power to lay out and construct a road, commencing at some point in the town of Bleeker, and running thence, in a northerly course, through the town of Bleeker and through the town of Hope, and in the town of Wells, so as to strike the village of Wells, in the most feasible and direct course, and to expend the highway tax assessed in said road district, as they shall deem best for the interest of said road district. Commissioners to lay out road.

§ 4. If the officers, or any of them, whose duty it shall be to assess the highway tax in said road district, shall omit to make any assessment of the same, the commissioners appointed by this act shall make such assessment, and the tax so assessed by said commissioners shall be as valid, in all respects, and shall be collected in the same manner as other highway taxes on non-resident lands are collected. Omission to make assessments.

§ 5. The said commissioners shall give a bond, with satisfactory sureties, to the treasurer of the county of Fulton, in the sum of three thousand dollars, for the faithful performance of their duties, before entering upon the discharge thereof. Bond.

§ 6. The said commissioners shall render to the treasurer of the county of Fulton, annually, on or before the first day of December, an exhibit, on oath, of their expenditures, with the necessary vouchers for the same. Exhibit of commissioners on oath.

§ 7. The treasurer of the county of Fulton shall fill all vacancies in the office of the said commissioners, caused by the death, resignation, removal from the state, or refusal to serve, of the said commissioners, or any other cause. Vacancies.

§ 8. The said commissioners shall be paid and receive two dollars per day, for each day's service actually performed, and their necessary expenses incurred in the discharge of their duties under this act, upon their affidavit attached to each voucher, showing such service and expenses. Compensation of commissioners.

§ 9. All acts inconsistent with the provisions of this act, are hereby repealed.

§ 10. This act shall take effect immediately, and remain in force six years.

Chap. 250.

AN ACT requiring the charges for maintaining the poor in the county of Chemung, to be audited by the board of supervisors.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county charges for maintaining the poor for the county of Chemung, and all expenses connected with or growing out of the maintaining of such poor, shall be audited by the board of supervisors of the said county, the same as other county expenses are audited.

§ 2. This act shall take effect immediately.

Chap. 251.

AN ACT to amend an act entitled "An act making certain portions of the counties of Essex and Franklin a road district, and the application of the non-resident highway taxes to the laying out and constructing roads therein," passed in eighteen hundred and fifty seven, chapter two hundred.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act passed March thirty-first, eighteen hundred and fifty-seven, chapter two hundred, is hereby amended so as to read as follows:

§ 1. Townships numbers twenty-three, twenty-four, ^{Townships through which road runs.} twenty-six and twenty-seven, in McComb's purchase, Franklin county, lots one to forty-four inclusive, Richard's survey, and all that part of Thorn's survey, lying west of the tier of lots numbers ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, in township number twelve, old military tract, the non-resident lots in townships one and two, old military tract, and township forty-eight in Totten and Crossfield's purchase, and all lands lying northerly of townships forty-five and forty-six, and easterly of townships twenty-eight and fifty, in Totten and Crossfield's purchase, in Essex county, are hereby constituted a road district, and Henry J. Campbell, Timothy S. Nash, and William H. Hull, are hereby appointed ^{Commissioners.} commissioners to lay out roads and expend the highway taxes assessed in said road district, in the manner hereafter provided; and said commissioners, in addition to the powers herein conferred, shall have all the powers of commissioners of highways in the several towns of this state, and in case the town assessors, or any of them, shall not, for any cause, assess any of the non-resident lands in said road district, said commissioners shall assess on such lands highway taxes, and the taxes so assessed shall be as valid in all respects, and shall be collected in the same manner as other highway taxes on non-resident lands are collected.

§ 2. Section third of the aforesaid act is hereby amended so as to read as follows:

§ 3. It shall be the duty of said commissioners, to lay ^{Commissioners to lay out road, &c.} out and construct a road, commencing at or near lot number forty, in townships one and two, old military tract, and running thence up the outlet of the Edmonds' ponds, and along the shores of said ponds, and by the most feasible route to or near lot one hundred and eighteen, Thorn's survey, and thence in a westerly course through the town of North Elba, so as to strike Cold Brook, in township number twenty-four, in Franklin county, and thence by the most feasible and direct course to the outlet or south end of the Upper Saranac lake, and said commissioners shall expend the highway tax assessed in said district, as they shall deem best for the interest of the state, and shall first lay out and construct the part of the road from the said point of commencing, along said ponds to or near said lot one hundred and eighteen, in Thorn's survey, in township eleven of the old military tract.

Comptroller
to pay over
to said com-
missioners.

§ 3. The comptroller shall pay over to said commissioners, or any two of them, the amount that may be received from the county treasurers of Essex and Franklin counties, for any and all highway taxes assessed and collected by them in said road district, and also a sum equal to the admitted arrears of highway taxes in the said road district, for the year eighteen hundred and fifty-seven.

§ 4. Section six of the aforesaid act is hereby amended, by striking out the words "and to the treasurers of the counties of Essex and Franklin."

§ 5. The ninth section of the aforesaid act is hereby amended, by striking out the word "four," and inserting in its place the word "eight."

§ 6. All acts repugnant to, or inconsistent with the provisions of this act, are hereby repealed.

Chap. 252.

AN ACT for the relief of William Candee & Co., contractors for the construction of section number one hundred and seventy-five of the Erie canal enlargement.

Passed April 15th, 1858, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board is hereby authorized and required to examine the claim of William Candee & Co., for an increased compensation, as contractors for the construction of section number one hundred and seventy-five of the Erie canal enlargement, and in case there was any misunderstanding or deception in regard to the test pits, under which the contract was made, to allow such sum beyond the contract price as shall be just and equitable, on account of the work performed being more expensive and of a quality not contemplated at the time of the execution of the contract by the contracting parties.

§ 2. The treasurer shall pay, on the warrant of the auditor out of any moneys which are or may be appropriated for the Erie canal enlargement, such sum, if any, as shall be allowed by the canal board by virtue of this act.

§ 3. This act shall take effect immediately.

Chap. 253.

AN ACT to permit the Northern Railroad Company of New Jersey, to continue their railroad from the state line to the village of Piermont, in the county of Rockland.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the Northern Railroad Company of New Jersey, a corporation created by the legislature of the state of New Jersey, to extend their railroad from the termination thereof, at the state line, in the town of Orangetown, in the county of Rockland, in this state, to a point in the village of Piermont, in said county, south of the northern limits of said village, and the construction of said road from the state line to Blanch's crossing shall be prosecuted simultaneously with the work in the state of New Jersey, and that the termination of said road shall be at a point eight hundred feet north of the New York and Erie railroad, on the lands of Cornelius I. Blauvelt, near the bank of the Hudson river in the village of Piermont.

§ 2. It shall be lawful for, and said Northern Railroad Company of New Jersey is hereby authorized, to acquire title to any real estate necessary for the purposes of said railroad company, in the said county of Rockland, in the same manner and with the like effect, as if the said railroad company had been created by and organized under the laws

of this state; and the said corporation shall be subject to the same duties, liabilities and regulations, in regard to that portion of their railroad constructed within the said county of Rockland, as other railroad corporations within this state.

§ 3. This act shall take effect immediately.

Chap. 254.

AN ACT to legalize the resolution passed by the Board of Supervisors of the county of New York, October 19, 1857, directing the Comptroller to draw his warrant in favor of Edward Timpson and Henry Schnoor.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The resolution passed by the board of supervisors of the county of New York, October nineteenth, eighteen hundred and fifty-seven, in the words following: Resolved, That the comptroller be, and he is hereby, authorized and directed to draw his warrant in favor of Edward Timpson and Henry Schnoor, for three hundred and forty dollars, the same having been expended by them in testing, in the supreme court, the right of holding their position of assessors of the twenty-second ward," be, and the same is hereby declared to be lawful, and of binding force.

§ 2. This act shall take effect immediately.

Chap. 255.

AN ACT to amend an act passed April 16, 1857, entitled "An act to amend an act entitled an act further to amend the acts in relation to Insurances on property in this State made by individuals and associations authorized by law," passed March 30, 1849.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act passed April sixteenth, eighteen hundred and fifty-seven, entitled, "An act to amend an act entitled 'An act further to amend the acts in relation to insurance of property in this state made by individuals and associations unauthorized by law,' passed March thirtieth, eighteen hundred and forty-nine," is hereby amended by altering the words "three hundred" to "one hundred and fifty," wherever they occur in said section or the proviso therein contained.

§ 2. This act shall take effect immediately.

Chap. 256.

AN ACT in relation to a bridge across the Byram river from the village of Portchester to the Connecticut shore, and to repeal an act in relation thereto, passed June twentieth, eighteen hundred and fifty-one.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act authorizing the construction of a draw bridge across Byram river from the village of Portchester, in the county of Westchester, to the Connecticut shore," passed June twentieth, eighteen hundred and fifty-one, is hereby repealed.

§ 2. It shall be lawful for William P. Abendroth, William Provoost and Mary M. Provoost, the wife of John S. Provoost, to maintain and continue for the use and benefit of themselves, their heirs and assigns, and such other persons as may have contributed towards the erection thereof, the bridge recently erected by them over Byram river, from a point on the shore between Mill street in the village of Portchester, in the town of Rye, and the mill-dam across said river, to a point opposite thereto, in the state of Connecticut.

§ 3. Whenever said bridge shall be accepted in due form by the town of Rye, the same shall be a public bridge and highway.

Chap. 257.

AN ACT authorizing the Canal Board to examine and determine the claim of Davis Norton and others, for damages to a burial place in the town of Nelson, Madison county.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized and required to hear and determine the claim of Joseph Carpenter, Adrian Conover, Elijah White, Hulet Wilson, Anson Salisbury, Davis Norton and others, for damages done to a burial place in the town of Nelson, county of Madison, by the leakage of the Erieville reservoir, and to award to them such sum as shall be just and equitable, on account of the injury sustained by the flow of water aforesaid, from said reservoir, into and upon said burial place, not beyond the amount of five hundred dollars, claimed by the petitioners.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as shall be awarded to said claimants, in pursuance of this act, out of any moneys appropriated or to be appropriated to the payment of canal repairs.

§ 3. This act shall take effect immediately.

Chap. 258.

AN ACT to amend an act entitled "An act to alter the map or plan of the city of New York, in respect to certain streets in that part of the said city known as the village of Manhattanville," passed May fourth, eighteen hundred and thirty-six.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of the act entitled "An act to alter the map or plan of the city of New York, in respect to certain streets in that part of the said city known as the village of Manhattanville," passed May fourth, eighteen hundred and thirty-six, is hereby amended so as to read as follows:

§ 2. Those parts of One Hundred and Twenty-six, One Hundred and Twenty-seven and One Hundred and Twenty-eight streets, respectively, which are laid out on the said map or plan of the city of New York, between the streets so known and distinguished as Manhattan street and Lawrence street, respectively, and also all that part of One Hundred and Twenty-eighth street which is laid out on the said map or plan of the city of New York, between the said street so known and distinguished as Lawrence street, and the street known and distinguished on the said map as the Tenth avenue, are hereby discontinued on the said map or plan.

§ 3. This act shall take effect immediately.

Chap. 259.

AN ACT in relation to the proof or acknowledgment of deeds and other conveyances by persons residing out of this state.

Passed April 15th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any deed or conveyance or other written instrument, affecting real estate within this state, proved or acknowledged in any other state or territory of the United States, according to the laws of such state or territory, where the grantor or grantors of such deed or conveyance and the officer before whom the same shall be proved or acknowledged shall be dead; and when such proof or acknowledgment shall be certified as herein provided, may be recorded in any county of the state, and may be read in evidence in any court of this state, in the same manner and with the like effect as though the same had been proved or acknowledged as required by the laws of this state, provided that the death of the grantor or grantors, and of the officer before whom the same shall be proved or acknowledged, shall be proved by the affidavit of one or more persons, sworn to before some officer authorized by law to administer oaths in such state or territory, and certified as herein provided.

Deeds, &c.,
how to be
acknow-
ledged.

§ 2. To entitle such deed or conveyance, or other written instrument, to be read in evidence or recorded in this state, there shall be annexed to the certificate of proof or acknowledgment, signed by such officer, a certificate under the name and official seal of the clerk or register of the county in which such officer resided, specifying that such officer was, at the time of taking such proof or acknowledgment duly authorized to take the same, and that such clerk or register is well acquainted with the hand writing of such officer, and verily believes that the signature to said certificate of proof or acknowledgment is genuine, and that such deed or conveyance or written instrument, is proved or

Certificate
to be an-
nexed, &c.

acknowledged in all respects, as required by the laws of such state or territory. There shall also be a like certificate of such clerk or register, attached to the jurat or affidavit, proving the death of the grantor or grantors, and of the officer before whom the deed or written instrument was proved or acknowledged, certifying that such officer was, at the time of taking such affidavit or affidavits, duly authorized to take the same, and that such clerk or register is well acquainted with the hand writing of such officer, and verily believes that the signature to such jurat or affidavit is genuine. Such affidavit or affidavits shall be recorded with such deed or other written instrument, and be presumptive evidence of the facts therein stated.

§ 3. This act shall take effect immediately.

Chap. 260.

AN ACT to amend an act entitled "An act regulating Highways and Bridges in the counties of Suffolk, Queens and Kings," passed February twenty-third, eighteen hundred and thirty.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-fourth section of the act regulating highways, ways and bridges, in the counties of Suffolk, Queens and Kings, passed February twenty-third, one thousand eight hundred and thirty, is hereby amended so as to read as follows:

Persons liable to highway labor.

Every person liable to work on highway, shall work the whole number of days for which he shall have been assessed, if required by the overseer of the district where he resides; but every such person other than an overseer may elect to commute for the same, or for some part thereof, at the rate

of sixty-two and one half cents for each day, in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in repairing and improving the roads and bridges in the same district.

§ 2. The thirty-second section is hereby amended so as to read as follows:

If upon the return of such summons, no sufficient cause be ^{Summons.} shown to the contrary, the justice shall impose such fine as is provided in this act, for the offence complained of, and shall forthwith issue a warraht, under his hand and seal, directed to any constable of the town where such delinquent shall reside, commanding him to levy such fine, with the costs of the proceedings, on the goods and chattels of such delinquent.

§ 3. The fiftieth section of said act is hereby amended so as to read as follows:

Upon such freeholders appearing, the justice who issued ^{Freeholders, &c.} the warrant shall draw by lot six of the names of the persons attending, to serve as a jury; and the first six persons drawn, who shall be free from all legal objections, shall be the jury to assess the said damages. The jurors who shall appear shall be entitled to receive as fees the sum of one dollar for each day, and in addition thereto, traveling expenses, at the rate of three cents per mile, for each and every mile traveled by them, going and returning, to be computed from their respective places of residence, to the place where by such warrant they are required to meet.

§ 4. The eighty-fifth section is hereby amended so as to read as follows:

In every case where a highway has been or shall be en- ^{Highway} croached upon by fences or buildings, the commissioners of ^{been en-} highways of the town shall, if in their opinion it be neces- ^{croached} sary, order the occupant of the said land, or if it be unoccu- ^{upon} pied, the owner thereof, if he reside within the town, otherwise the overseer of the district, to remove such fences or buildings, so that such highway shall be of the width originally intended. The commissioners making the order shall cause the same to be reduced to writing and signed. They ^{Written no-} shall also give notice in writing to the occupant of the land, ^{tice to occu-} or if it be unoccupied, to the owner, if he be a resident of ^{pants of} the town, otherwise to the overseer of highways of the dis- ^{lands.} trict, to remove such fences and buildings forthwith, if the

same shall have been erected within ninety days previous otherwise within the period of sixty days. Every such order and notice shall specify the width of said highway, the extent of the encroachment, and the place or places in which the same shall exist. If such removal shall not be made within the time specified in such notice, the person to whom such notice shall have been given shall forfeit the sum of fifty cents, for each day that such encroachment shall remain thereafter, unless the same be denied, as hereinafter provided.

§ 5. The eighty-sixth section is hereby amended so as to read as follows:

Commissioners of highways to have notice served upon them.

If the occupant or owner of the land, as the case may be, shall, within ten days after the service upon him of the aforesaid notice, serve upon one of the commissioners of highways a written notice denying such encroachment, the commissioners, or any one of them, shall apply to any justice of the peace of the county, for a precept directed to any constable of the town, to summon twelve freeholders to meet at a certain day and place to be specified in such precept, and not less than four days after the issuing thereof, to inquire into the premises. The constable to whom such precept shall be directed, shall give at least three days' notice to the commissioners of highways of the town, and to the person denying the encroachment, of the time and place at which such freeholders are to meet.

§ 6. Section eighty-eight is hereby amended so as to read as follows:

Jury, &c.

If the jury find that any encroachment has been made, they shall make and subscribe a certificate in writing, stating the particulars and time of such encroachment, which shall be filed in the office of the town clerk. The person denying the encroachment shall remove the fences or buildings, if they have been erected within ninety days, immediately; if otherwise, within sixty days after the filing of such certificate. If such person shall refuse or neglect to remove his fences or buildings within the time above prescribed, he shall forfeit fifty cents for every day thereafter that the same shall remain unmoved. The costs of such inquiry, including the fees of jurors (which shall be the same as in justices' courts), shall also be paid by the person denying the encroachment. If the costs be not paid within ten days after the filing of the certificate aforesaid, the justice shall issue

a warrant for the collection thereof, in the manner provided in the thirty-second section of this act.

§ 7. Article sixth of said act is hereby amended by inserting the following section between sections eighty-eight and eighty-nine of said act:

If the occupant or owner of the said land, as the case may be, do not remove the encroachment within the time prescribed by the eighty-*five** and eighty-*eight** sections of this act, the commissioners of highways may remove or cause to be removed such encroachment, and the occupant or owner of the premises, as the case may be, shall pay to the said commissioners all reasonable charges therefor.

§ 8. The provisions of this act shall not apply to the county of Suffolk.

Chap. 261.

AN ACT to regulate the use of Wharves and Slips in the city of New York, which shall be leased to certain steam boat lines.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever the owners of any wharves and slips on the East river, now occupied by any of the steam-boat lines hereinafter mentioned, or the owners of any wharves and slips on the North river, in the city of New York, shall lease the same to the owners or proprietors of any of the regular lines of steamboats heretofore established, and now engaged in the business of transporting passengers and freight between the city of New York and any place on the Hudson river, or between the city of New York and any place on Long Island Sound, or the rivers emptying into Long Island Sound, or between the city of New York and any place on Narragansett bay, or the bays adjacent thereto, or any such steamboat running to and from the city of New

Lease of
slips and
wharves.

* So in the original.

York, the wharves and slips so leased shall, during the term of the lease, be kept and reserved for the exclusive use and occupancy of the steamboats of the lessees, to the extent necessary for the conducting and doing the business in which they are engaged.

Duties of
harbor mas-
ters.

§ 2. It shall be the duty of the harbor masters, or of any officer or officers of said city, who are now or hereafter shall be empowered by law or by any ordinance of said city, to regulate and station ships and vessels in the harbor of said city; and they shall have power to prohibit and prevent all other boats, ships and vessels from entering any of the slips, or approaching or lying at any of the wharves so let or leased under the provisions of the first section of this act, when such slips and wharves shall be required for the use and accommodation of the lines of steamboats owned by the persons hiring or leasing the same. In case any boat, ship or vessel, not entitled, according to the provisions of this act, to use said wharves or slips, shall have entered any of said slips or shall be lying at any of said wharves, during the continuance of such letting or lease, when such slip or wharf shall be needed or required, for the use or accommodation of any of the lines of steamboats referred to in the preceding section, it shall be the duty of the said harbor masters, or other officer or officers, and they shall have power, forthwith to remove such boat, ship or vessel from such slip or wharf, so far as may be necessary to accommodate the steamboats entitled as aforesaid to the use of said slip or wharf.

Persons
resisting,
&c.

§ 3. Any person resisting or refusing or neglecting to comply with any order or direction of any harbor master or other officer, given in pursuance of this act, in relation to any boat, ship or vessel under command or control of such person, and any person whatever who shall resist or oppose any harbor master or other officer in the performance of the duties of his office, under this act, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, collected and applied in the manner provided for the recovery and application of the penalties imposed and specified in the third section of the act entitled "An act relating to the harbor masters of the port of New York," passed March sixteenth, eighteen hundred and fifty.

§ 4. Nothing in this act contained shall be so construed as to give to any owner or owners of wharves and slips, designated in the act passed April thirteenth, eighteen hundred

and fifty-seven, entitled "An act to regulate the use of slips and wharves of the city of New York, between piers number two and number twelve, East river," power to let or lease the same, or any of them, for the purposes designated in this act. Nor shall anything herein be construed to prevent the free use of the wharves and slips so let or leased under the provisions of the first section of this act, when such wharves and slips are not required for the use and accommodation of the steamboats for whose use and accommodation they were hired or leased.

§ 5. The speed of the said steamboats shall not exceed ^{Speed of} eight miles per hour in passing up the East river to Corlaer's Hook. ^{boats.}

§ 6. This legislature may alter, amend or repeal this act, and any rights or privileges conferred thereby.

§ 7. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 262.

AN ACT authorizing the Canal Board to hear and determine the claims of Jacob Richman, contractor for Mud Creek Aqueduct.

Passed April 15th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board are hereby authorized and required to examine the claim of Jacob Richman for increased compensation upon his contract for constructing Mud creek aqueduct, Erie canal enlargement, dated November second, A. D. eighteen hundred and fifty-five; and if upon the examination thereof, it shall appear that said contract was made by the contracting parties with a full understanding that the said aqueduct was to be so located as to be entirely independent of and disconnected from the old

aqueduct and canal, and so represented to said Richman at the time of his entering into contract, by the engineers in the employ of the state upon said work, and that said aqueduct was so located as to come in contact with the old aqueduct and canal, then said canal board shall allow such extra compensation to said Jacob Richman as said board shall deem just and equitable.

§ 2. The treasurer shall pay on the warrant of the auditor, to said Jacob Richman, such sums as the said canal board shall allow under the preceding section, out of any moneys which are or may be appropriated to the enlargement of the Erie canal.

§ 3. This act shall take effect immediately.

Chap. 263.

AN ACT directing the payment of interest upon the drafts of the Canal Commissioners, and awards of the Canal Board in certain cases.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The auditor of the canal department shall pay all claims for interest accruing or arising under the following circumstances:

Drafts for
enlargement

On all canal commissioners' drafts drawn upon contracts for the enlargement and completion of the canals of this state, and the interest shall commence on drafts for monthly estimates on the twenty-first day of the month succeeding that in which the work was done for which the draft was given, and shall be computed to the time of payment.

Drafts for
awards.

On all canal commissioners' drafts drawn for the payment of awards made by the canal appraisers, the interest to commence at the expiration of ninety days from the date of the award, and shall be computed to the date of payment.

On all awards made by the canal board or board of canal commissioners, the interest to commence sixty days from the date of award, and shall be computed to the date of payment.

On all canal commissioners' drafts drawn upon final estimates on contracts for the enlargement and completion of the canals, and the interest shall be computed on such drafts from the date thereof to the day of payment. Final estimates.

§ 2. No interest shall be paid on any such drafts or awards drawn or made before the first day of April, eighteen hundred and fifty-six, and after the first day of July, eighteen hundred and fifty-eight, except upon drafts drawn or final estimates for work completed prior to July, eighteen hundred and fifty-eight; and all interest allowed under this act, shall be paid to the person to whom such draft or award was originally payable, except as hereinafter provided; and whenever the auditor of the canal department shall desire to pay the drafts or awards upon which interest is accruing under this act, he shall give notice in the state paper for the space of twenty days to that effect, and after the expiration of the said twenty days, such drafts and awards shall no longer draw interest; and in no case shall interest be paid on any claim under this act for a longer period than one year, and interest in all cases arising under this act, shall be computed at six per cent per annum. No interest to be paid on drafts drawn before April 1, 1856, &c.

§ 3. The treasurer shall pay, on the warrant of the auditor, all sums allowed for interest under this act, and the same shall be paid out of the fund or funds appropriated or to be appropriated to the payment of the drafts or awards on which interest shall be allowed. Treasurer to pay.

§ 4. In all cases where the payee or owner of any such draft has transferred the same, and any claim shall be made to the auditor of the canal department for the interest on the same or any part thereof, by any person to whom the same has been transferred, the auditor shall settle and determine the amount of such interest to which such person is equitably entitled, and shall draw his warrant therefor upon the treasurer in favor of such person, upon the appropriate fund; and the treasurer shall pay the same; and in case any such drafts shall have been transferred by the original payee at par, and without any charge for interest or discount, the interest on such drafts, to be paid as provided for in this act, shall be paid to the holder of such drafts. If draft has been transferred, &c.

§ 5. This act shall take effect immediately.

Chap. 264.

AN ACT in relation to the appointment of Police Justices' Clerks in the city of New York, and their duties.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Police justices may appoint a clerk.

SECTION 1. The police justices in the city and county of New York, shall severally have power to appoint a clerk, to be denominated police justices' clerk, whose term of office shall extend to the end of the term for which the justice so appointing him is elected; subject, however, to removal by the board of supervisors of the county, upon charges duly preferred, and upon a fair trial by said board. The accused must be served with a copy of the charges and specifications, and shall be entitled to appear by counsel.

Duty of clerks.

§ 2. It shall be the duty of the clerks so appointed to attend daily at the police courts at which the justices by whom they are appointed shall severally be assigned, and, among other things to reduce to writing all examinations and depositions, and to make out, in due form, all recognizances, and all warrants or other precepts which shall be made, taken, or issued before or by any magistrate in the said police court, and generally to do and perform all such service and business in the said police court as shall be necessary to be done and performed in writing, and to do and perform every such other reasonable service and business relating to their trust as shall be required of them by the magistrate or magistrates, who at the time shall be and attend in the said police court; and they shall have the charge, under the direction of the magistrates, of all recognizances, examinations, and depositions which shall have been taken or lodged in the said police court, until the same shall be delivered to the district attorney, or otherwise filed in the proper office, according to law, as the case may be, and of all other papers in the said police court.

§ 3. All fines imposed by the several police courts, shall ^{Fines.} be received by the justices' clerks thereof respectively, who shall return the same monthly, under oath, to the chamberlain of said city.

§ 4. Before entering upon the duties of their office, the ^{Oath of office.} said clerks, appointed as aforesaid, shall severally take and subscribe, before the clerk of the county, the oath of office prescribed by the constitution, which oath shall be filed in the office of said county clerk. They shall also severally execute a bond, to the people of the state, in the penal sum of one thousand dollars, with sufficient sureties, to be approved by the city comptroller, conditioned for the faithful performance of their duties according to law, which bond shall be filed in the office of the said comptroller.

§ 5. The salary of the clerks appointed under this act ^{Salary.} shall be the same as now fixed by law, for the present police court clerks, and the same shall be paid to them in monthly payments.

§ 6. The police justices shall have power to appoint, for the respective courts at which they may be assigned, such ^{Other clerical help may be employed.} other clerical help, to be denominated "assistant clerks," as shall be deemed to be necessary by the board of supervisors of said county, upon the application of the said justices. The salary of the said assistant clerks shall be fixed by the board of supervisors, and their term of office shall be the same as the clerks aforesaid, subject to the same power of removal by the board of supervisors.

§ 7. The officers of clerk of police or police court clerk, and of scrivener, as now existing, are hereby abolished.

§ 8. All acts and parts of acts, as well as all ordinances, inconsistent herewith, are hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 265.

AN ACT to incorporate the Turnverein of the city of Brooklyn, eastern district.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Charles Kiehl, Joseph Walter, Henry Reinhardt, Jacob Hassinger, August Irmischer, Henry Stumpf, Frantz Seitz, H. M. Bomhardt, Peter M. Peterson, V. Lehmann, Adolph Wilson, Engelbert Schnepf, Peter Bertsch, Francis Wedeke, Jacob Gutmann, Max Braum, and such other persons as now are or hereafter shall become members of the Turnverein, of the city of Brooklyn, eastern district, are hereby constituted a body corporate, by the name aforesaid.

§ 2. The object of this society shall be the improvement and perfection of physical education, and also to afford relief to the members thereof, in case of sickness or distress.

§ 3. The said corporation shall have power to prescribe rules and orders for the general government thereof, for the admission and expulsion of its members, and for the election, time of service and duties of its officers.

§ 4. It shall be the duty of said association, on receiving its act of incorporation, to establish a free school for the education of such children as may apply for admission to the same.

§ 5. The said corporation may purchase and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed the sum of five thousand dollars.

§ 6. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities contained in the third title of chapter eighteen of part first of the revised statutes.

§ 7. This act shall take effect immediately.

Chap. 266.

AN ACT in relation to draining certain lands in the town of Cicero, in the county of Onondaga.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Mars Nearing, John B. Kathan and Freeman Sadler, of the town of Cicero, in the county of Onondaga, are hereby appointed commissioners for the purpose of draining the wet land and swamp situated in the town of Cicero on military lots numbers eleven, twelve, twenty and twenty-one, commonly known as the Muskrat swamp, by cutting one or more suitable ditches, with the necessary side ditches or drains, through the hard land north of said swamp to the Oneida lake. Commissioners.

§ 2. The said commissioners shall, before they proceed to enter upon the duties of their office, take the constitutional oath of office, which shall be filed in the office of the clerk of the county of Onondaga, and shall enter upon the discharge of their duties as soon as may be after the passage of this act. Oath of commissioners.

§ 3. In case either of the said commissioners shall refuse or be unable to enter upon the duties of the said office, the owners of the lands to be drained, or any five of them, may present a petition duly verified to the county judge of the county of Onondaga, setting forth the facts and praying for the appointment of some competent person to fill such vacancy. Petition to county judge.

§ 4. The said judge shall by instrument under his hand and seal, make such appointment, which shall be duly recorded in the Onondaga county clerk's office. Judge may make appointment.

§ 5. The said commissioners shall have power to employ a surveyor and engineer, and shall cause an accurate survey and map of the lands aforesaid to be made, and shall cut the necessary ditch and side drains of sufficient depth and width to drain the lands aforesaid properly. Surveyor and engineer.

Swamp
lands.

§ 6. The said commissioners or their agents may from time to time enter upon said swamp lands to make the necessary survey, and upon any lands adjacent thereto, or between the same and said Oneida lake, to the extent it may be necessary to occupy in the prosecution of the work contemplated by this act, and execute said work.

Commis-
sioners to
assess ex-
penses.

§ 7. Said commissioners shall assess the expenses incurred by them in the performance of their duties, and any damages resulting as a consequence of draining said lands, shall be justly and equitably estimated by the aforesaid commissioners, which amount shall be treated as a part of the expenses of said work; and such expenses shall be a lien on the lands benefited thereby, and shall be assessed on the owners of the lands aforesaid in proportion to the benefits received. When such assessment shall be completed, a copy thereof, with the map and survey mentioned in the next preceding section of this act, shall be filed in the office of the clerk of the county of Onondaga within three months after the work shall be completed.

Assessment
to be pub-
lished, &c.

§ 8. The said commissioners, on the completion of the said assessment, shall cause the same to be published in two of the newspapers published in the county of Onondaga, for six succeeding weeks, specifying the time and place, which shall be at least one day in each week, at which they will attend to review the said assessment. The expenses of such publication shall be a portion of the expenses mentioned in the next preceding section.

Unpaid
assessments.

§ 9. In case any of the assessments shall not be paid, the said commissioners shall in the manner specified in the preceding section, give notice that on a certain time and in a certain place in said county, they will proceed to sell the lands, or so much thereof as may be necessary, of the respective owners who shall refuse or neglect to pay the said assessments, together with the expenses of the said notice and sale, and shall, on the day appointed, sell the same to the highest bidder. In case there shall be any surplus, and no one authorized to receive the same, or who shall apply to such commissioners within six months, then the same shall be paid to the treasurer of said county, for the benefit of the parties interested therein.

Sale of pro-
perty, &c.

§ 10. The said commissioners shall have the power to adjourn the said sale, if necessary or proper in their opinion, for the interest of the persons interested, and on such sale shall be authorized to give and grant as full and perfect

conveyances to the purchaser or purchasers as if the said assessments were severally mortgages given for the purchase of the said lands respectively; unless the original owner or owners of the land or lands so sold and conveyed, or the person or persons in whose name the lands so sold and conveyed were assessed, his, her, or their heirs, executors, administrators or assigns shall, within two years from the date of the said conveyance, pay to the person or persons so receiving such conveyance as aforesaid, or to his, her or their heirs, executors, administrators or assigns, or into the office of the treasurer of the county of Onondaga for the use of such person or persons, the amount which he, she or they paid for the said lands so described in such conveyance, together with interest at the rate of ten per cent per annum thereon, to be computed from the date of said conveyance to the time of the payment.

§ 11. The said commissioners shall complete the work contemplated by the provisions of this bill within two years, and shall within one month after the completion of any sale of lands under the provisions of this act, file a report of their doings and proceedings, duly verified, with the clerk of said county. Work to be completed within two years.

§ 12. The said commissioners shall be entitled to the sum of two dollars per day for each day they shall be engaged as such commissioners in actual service, which shall be considered as a part of the expenses referred to in the sixth section of this act.

§ 13. This act shall take effect immediately.

Chap. 267.

AN ACT to change the name of the town of Elgin, in the county of Cattaraugus.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to change the name of the town of Lyndon, in the county of Cattaraugus,"

passed April seventh, eighteen hundred and fifty-seven, is hereby repealed.

And the name of the town of Elgin, in the county of Cattaraugus, is hereby changed, and shall hereafter be known as the town of Lyndon, in said county.

§ 2. This act shall take effect immediately.

Chap. 268.

AN ACT to authorize the alteration of the articles of association of the Pulaski Bank.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the stockholders of the Pulaski Bank, located at Pulaski in the county of Oswego, at their next or any annual meeting, to alter and amend their articles of association so as to reduce the number of directors to any number not less than five; and the directors thereafter to be elected, shall have all the powers of the original directors, and shall hold their offices for the term of one year, and until others are elected in their places. Such alterations may be made from time to time at any annual meeting, as the stockholders shall determine.

Chap. 269.

AN ACT respecting the School District Library in the city of Utica.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of the common schools of the city of Utica (ex-officio trustees of the school district library of said city), are hereby authorized to make such rules and regulations, ^{Rules and regulations by commissioners, &c.} from time to time, for the better preservation and care of all the books of the said district library, as they may deem expedient; and may therein designate and determine such valuable books as can not be circulated without material injury, to be books of reference, not to be taken from the library rooms without the special permission of the commissioners, or the librarian, under their instructions, and subject to such rules and conditions as they may impose; and they may also exercise, and authorize the librarian to exercise, discretionary power as to the delivery of books to minors and irresponsible persons; any exercise of such authority by the librarian, to be a subject of appeal to the board of commissioners. The said commissioners may impose fines for the violation or non-observance of said rules and regulation, not exceeding the fines authorized to be imposed by the trustees of school district libraries, under the general regulations respecting the same; and the rules and regulations so made and adopted by them, shall be obligatory upon all persons and officers having charge of said library, or using or possessing any of the books thereof, and may be enforced in the same manner that the said general regulations concerning the books in school district libraries, framed by the superintendent under the act respecting said libraries, passed April fifteenth, eighteen hundred and thirty-nine, may be enforced. The said general regulations framed under the said act, shall be applicable to and remain in force in regard to the said library of the

city of Utica, except when the same shall be inconsistent with the rules and regulations made by the said commissioners under and by virtue of this act.

§ 2. This act shall take effect immediately.

Chap. 270.

AN ACT to provide for the construction of a free bridge across the Hudson river, between the towns of Fort Edward and Moreau.

Passed April 16th, 1858, the fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller is hereby authorized to loan to the county of Washington, the sum of four thousand seven hundred and fifty dollars, and to the county of Saratoga, the sum of three thousand two hundred and fifty dollars out of any moneys in the treasury belonging to the common school fund, on receiving from the treasurers of said counties respectively, a bond conditioned for the payment of the moneys so loaned, in five equal annual payments, together with annual interest, at the rate of seven per cent per annum, which bonds the said treasurers are hereby authorized and directed to make, execute and deliver; the said sums so loaned shall be held by the said treasurers respectively, to be applied to and expended for the building of a bridge across the Hudson river, between the town of Fort Edward, Washington county, and the town of Moreau, Saratoga county.

Comptroller
to loan \$1,
750 to Sara-
toga county.

§ 2. George H. Taylor and David Underwood, of the county of Washington, and William H. Warren, of Saratoga county, are hereby appointed commissioners to superintend the building of said bridge, and expend the money hereby provided, in such manner as they shall deem most expedient, and upon their orders the county treasurers of said counties respectively shall pay to them the money as

Commis-
sioners.

from time to time may be required for the construction of said bridge, and in case the whole of said sum hereby provided to be loaned is not required for said bridge, an equal sum shall be drawn from the treasurer of each of said counties, and the remainder of said sums shall be applied towards the payment of said loans.

§ 3. The said commissioners shall receive, from the money provided by this act, for the time actually employed by them respectively, in the execution of their duties, the sum of one dollar per day; and before they enter upon their duties, they shall each severally execute and deposit with the county treasurer of the county in which he may reside, a bond satisfactory to said treasurer, and with sureties to be approved by him, conditional for the faithful performance of their duties, and that they shall from time to time account to the board of supervisors of each county, for the moneys received by them under this act, whenever required by said board, and shall be required to award the contract to the lowest responsible bidder, and who shall give satisfactory security for the performance of his contract.

§ 4. The said commissioners are hereby authorized, if the said sum of eight thousand dollars, or any part thereof, can not be obtained from the school fund aforesaid, or can be obtained by loan from an individual or corporation, on terms more favorable to the counties aforesaid, to borrow the said sum of eight thousand dollars, or any part thereof, of such individual or corporation by giving the like security to such individual or corporation as is required to be given to the comptroller.

§ 5. The board of supervisors of the county of Washington is hereby authorized and required, at the annual meeting in each of the five years immediately succeeding the passage of this act, to cause to be apportioned as shall be just and in proportion to the benefit to be derived respectively by each town from the building of said bridge, levied and collected, upon the taxable property of the towns in said county the sums respectively, upon each town that shall be so apportioned in the same manner as other contingent charges of said county are levied and raised; the sum of nine hundred and fifty dollars, together with annual interest on the amount remaining unpaid. The said supervisors shall cause the said sums to be paid to the treasurer of said county, whose duty it shall be, within five days after receiving said moneys, to pay the same into the trea-

Commis-
sioners to
receive
money, &c.

Commis-
sioners may
borrow
money, &c.

Supervisors
to levy and
assess tax.

Sum to be
paid to
county
treasurer.

sury of the state, if said loan shall have been made by the comptroller. If said loan shall have been borrowed of an individual or corporation, then the county treasurer shall pay such sum or sums to such individual or corporation within the five days aforesaid, which shall be a payment on the bonds given by the said treasurer as hereinbefore provided.

Tax to be
levied, &c.

§ 6. The board of supervisors of the county of Saratoga, are hereby authorized and required at the annual meeting in each of the five years immediately succeeding the passage of this act, to cause to be apportioned as shall be just and in proportion to the benefits to be derived respectively by each town from the building of the said bridge, levied and collected upon the taxable property of the towns in said county, the sums respectively upon each town shall be so apportioned in the same manner as other contingent charges of said county are levied and raised; the sum of six hundred and fifty dollars, together with the annual interest on the amount remaining unpaid, upon the taxable property of the town of Moreau, in said county; the sum of two hundred dollars, together with annual interest on the amount remaining unpaid. The said supervisors shall cause the said sums to be paid to the treasurer of said county, whose duty it shall be, within five days after receiving said money, to pay the same into the treasury of this state, if said loan shall have been made by the comptroller. If said loan shall have been borrowed of an individual or corporation, then the county treasurer shall pay such sum or sums to such individual or corporation within the five days aforesaid, which shall be a payment on the bonds given by said treasurer, as hereinbefore provided.

Commissioners of
highways to
take charge
of bridge.

§ 7. As soon after the completion of said bridge as practicable,* said commissioners aforesaid, shall notify the commissioners of highways of the town of Fort Edward, aforesaid, and it shall be the duty of the said commissioners of highways thereafter to take charge of and keep in repair said bridge.

Governor to
appoint persons
to locate
bridge.

§ 8. The governor of this state is hereby authorized and empowered to appoint, within ten days after the passage of this act, three disinterested and suitable persons as commissioners to locate said bridge, and said commissioners, so appointed, shall locate said bridge at such point within the

* So in the original.

limits of the said towns of Fort Edward and Moreau, as will best subserve the interests of the respective counties aforesaid. Neither of said commissioners shall reside in the counties of Washington or Saratoga aforesaid.

§ 9. In case the persons named in this act as commissioners to build said bridge, or either of them, shall refuse to act, or remove from the county they now live in, or die, the governor of this state shall appoint another person or persons, as the case may be, to perform the duties of such commissioner or commissioners, so refusing, removing or dead, and when so appointed, shall have the same powers as if he were named a commissioner in this act.

§ 10. This act shall take effect immediately.

Chap. 271.

AN ACT to authorize the Supervisors of the counties of Cayuga and Tompkins, to enter into an agreement with the Board of Supervisors of Onondaga or Monroe county, to receive and keep in the workhouse of either of said counties, persons sentenced to confinement in the jail of the said counties of Cayuga and Tompkins, for any term not less than three months.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the board of supervisors in the counties of Cayuga and Tompkins, to enter into an agreement with the board of supervisors of either of the counties of Onondaga or Monroe (or with any person in their behalf or by them appointed), to receive and keep in the work-house in the county of Onondaga, or in the county of Monroe; any person or persons who may be sentenced in

the said counties of Cayuga or Tompkins to confinement in the jail in the said counties, for any term not less than three months; and it shall be the duty of the sheriff of the said counties of Cayuga and Tompkins, when such agreement shall be made as aforesaid, upon receiving notice thereof in writing, from the board of supervisors of said counties of Cayuga and Tompkins to convey all persons sentenced to confinement in the jail of said counties for a term not less than three months, to the said work-house, and the superintendent of said work-house shall receive such persons and safely keep them for the term for which they may be respectively sentenced, and employ them according to the discipline and rules of said work-house, and the officers conveying such convicts to such work-house shall be paid by the said counties of Cayuga and Tompkins, such fees for said conveyances as the board of supervisors of said county shall direct.

§ 2. This act shall take effect immediately.

Chap. 272.

AN ACT to authorize the Canal Commissioners to construct a road bridge over the enlarged canal at Hamilton street in the city of Buffalo.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners are hereby authorized to construct, or cause to be constructed and maintained at the expense of the state, over the enlarged Erie canal at Hamilton street, in the city of Buffalo, a suitable road bridge of wooden superstructure, in such a manner as they may deem the interest of the state to require; to be paid from any moneys appropriated to the enlargement of the Erie canal.

§ 2. This act shall take effect immediately.

Chap. 273.

AN ACT to provide for the construction of a bridge across the Oswego river at the village of Phoenix.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the counties of Onondaga and Oswego, are authorized and required to levy ^{Tax to be levied by supervisors.} by tax upon the freeholders, inhabitants and taxable property of said counties, in the same manner as other contingent charges of said counties, a sum not exceeding the sum of nine thousand dollars, in two annual instalments, in the following proportions: At the next annual meeting of the board of supervisors of the county of Onondaga, they shall levy upon the several towns and wards in said county the sum of one thousand dollars, and a like sum upon the town of Lysander; and at their annual meeting in the year one thousand eight hundred and fifty-nine, they shall levy a further sum of one thousand dollars upon the several towns and wards of said county, and a like sum upon the town of Lysander, which shall be collected in the same manner as the ordinary taxes of said county; and at the annual meeting of the board of supervisors of the county of Oswego, they shall levy upon the several towns and wards in said county the sum of one thousand dollars, and upon the town of Schröppel the sum of one thousand five hundred dollars; and at their annual meeting in the year one thousand eight hundred and fifty-nine, they shall levy upon the several towns and wards of said county the further sum of one thousand dollars, and upon the town of Schröppel the sum of fifteen hundred dollars, which shall be collected in the same manner as the ordinary taxes of the county.

§ 2. The money collected by this act shall be annually paid over to the respective treasurers of the counties of Onondaga and Oswego, to be by them paid over to the commissioners named herein, for the purpose of building a bridge over the Oswego river, between the town of Lysander, ^{Money to be paid to respective treasurers.}

in Onondaga county, and the town of Schrœppel, in Oswego county, at the village of Phœnix; said bridge to be located at the site of the bridge now in use.

Commis-
sioners.

§ 3. James Little of the town of Clay, county of Onondaga, Amasa P. Hart of the town of Schrœppel, county of Oswego, and William L. Fuller of the town of Lysander, Onondaga county, are hereby appointed commissioners to determine upon the plan, put the same under contract, and superintend the building of said bridge, and expend the money hereby provided in such manner as they may consider most expedient, and they shall report their doings in full to the boards of supervisors of the counties of Onondaga and Oswego, annually.

Bond of
commissioners.

§ 4. Before receiving any money under this act, the commissioners respectively shall execute to the supervisors of the towns of Schrœppel and Lysander, a bond in the penal sum of ten thousand dollars, with sureties to be approved by said supervisors, conditioned for the faithful performance of the duties, and for the proper application of all moneys which shall be received for the purposes contemplated by this act, which bonds shall be filed in the clerk's office of the county of Onondaga; and it shall be the duty of the said commissioners to account to the said board of supervisors for the money received by them under this act, when required by said board.

Town of
Lysander
and Schrœp-
pel to repair
bridge.

§ 5. When the said bridge is completed, the said commissioners shall divide the same equally between the towns of Lysander and Schrœppel, and shall give the commissioners of highways of said towns notice of such division, and thereafter said bridge shall be kept in repair by each town according to its proportion under such division.

Compensa-
tion of com-
missioners.

§ 6. The commissioners shall each receive two dollars per day for each day actually employed in building said bridge, to be paid out of the moneys herein ordered to be raised for said bridge. In case of a vacancy in either of the commissioners, said vacancy shall be filled by the supervisors of the towns of Lysander, Schrœppel and Clay.

Certificate.

§ 7. The said commissioners shall, within fifteen days after the completion of said bridge, file a certificate of the expense of the same in the town clerk's office in the towns of Lysander and Schrœppel.

§ 8. If the expense of said bridge should not amount to the sum specified in this act, the actual expense only to be levied and collected, in the same proportion on the towns and counties as named in section first of this act.

Chap. 274.**AN ACT** relative to the Syracuse, Binghamton and New York Railroad Company.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the Syracuse, Binghamton and New York railroad company, to purchase of the Union railroad company the road built by the last named company, between the terminus of said Syracuse, Binghamton and New York railroad, in Syracuse, and the Erie canal, in the town of Geddes, Onondaga county, and all the appurtenances and property thereto belonging, on such terms as may be agreed between the two corporations; and after such purchase, the same shall be owned and operated as a part of said Syracuse, Binghamton and New York railroad.

§ 2. Section five of the act entitled "An act to authorize the Syracuse and Southern railroad company to change its name, and for other purposes," passed March thirty-first, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

All the stockholders of such company shall be jointly and severally liable for all the debts due and owing to any of its laborers, and for services performed for such corporation, in the manner and subject to the provisions of the general railroad law of this state, and such liabilities as may be enforced in the manner prescribed by law.

Chap. 275.

AN ACT to incorporate the Youatt Lyceum of New York.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Body corporate.

SECTION 1. John C. Ralston, William H. Disbrow, Myron H. Fowler, William H. Wells and James Bond, are hereby constituted a body corporate, by the name of the Youatt Lyceum of New York, for the purpose of promoting the veterinary art, instruction and knowledge generally in regard to horses and other domestic animals, and by their corporate name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, and they and their successors may have and use a common seal, and alter and change the same at pleasure, and they and their successors shall in law be capable of taking and receiving, purchasing and holding real and personal estate, and of mortgaging, selling, conveying, or otherwise disposing of the same as the interests and objects of the incorporation may from time to time require.

Trustees.]

§ 2. William H. Williams, John C. Ralston, William H. Disbrow, are hereby appointed trustees of said corporation, with power to fill vacancies; and a majority of the whole number of trustees shall be necessary to constitute a quorum for the transaction of business.

Instructors.

§ 3. It shall be lawful for the trustees to appoint such instructors as they may deem necessary, and to remove the same at pleasure; and also upon the recommendation of the instructors to grant and confer certificates for knowledge and skill in the veterinary art, to such persons as may have pursued a course of study under the direction of said instructors for a period of not less than one year.

Corporation to erect barns, &c.

§ 4. It shall be lawful for said corporation, upon the grounds held by them, to erect barns, stables, forges and other suitable buildings for the accommodation of sick and disabled horses, and such other horses and animals as may

be intrusted to their care and keeping; also to establish a zoological cabinet and anatomical museum therein, and to lay out walks, roads and parks on said grounds, and to preserve the same inviolate for the uses and purposes herein mentioned, and to do all other acts and things necessary in their judgment to carry out the object of the incorporation.

§ 5. The said trustees may make such by-laws as they may deem necessary for the government of its officers, and for the conducting of its affairs, and the same to alter or amend at pleasure.

§ 6. The said lyceum shall not hold real estate exceeding in value the sum of fifty thousand dollars.

§ 7. This act shall take effect immediately.

Chap. 276.

AN ACT to incorporate the New York Pneumatic Power Company.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Wendell Wright, James Jackson, Eugene Ely, Anson Willis, G. W. White, John G. Holbrook, and such other persons as may hereafter become associated with them, are hereby constituted a body corporate, by the name of the New York Pneumatic Power Company, for the purpose of transmitting power by means of compressed air, forced through tubes, from the place it is created, to any other place where it may be required, for loading and unloading vessels, hoisting weights, or propelling machinery.

§ 2. The capital stock of this corporation shall not exceed the sum of one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property; when the sum of twenty-five thousand dollars shall have been subscribed, and actually paid in, the corporation shall have power to commence its business.

Powers of
corporation.

§ 3. The corporation hereby created, shall possess all the powers and privileges, and shall be subject to the restrictions and liabilities prescribed in the eighteenth chapter of the first part of the revised statutes, except in the cases otherwise provided for by this act.

§ 4. This capital stock of said corporation shall be exclusively devoted to the purposes named in the first section of this act, and to this end said corporation may take, hold and convey real estate, to an amount not exceeding twenty thousand dollars.

President,
&c.

§ 5. The stockholders of said corporation shall annually on the first Monday of May, elect a president, secretary, treasurer, and five directors, who shall hold office for one year and until their successors are elected. The persons named in the first section of this act are hereby appointed such directors until the election of their successors. The directors shall manage and have the care of the stock, property and concerns of the said corporation.

§ 6. This act shall take effect immediately.

Chap. 277.

AN ACT to extend the time for the collecting of taxes in the town of Le Roy, in the county of Genesee.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The period of time within which the taxes levied upon the town of Le Roy, in the county of Genesee, shall be collected, is hereby extended to the first day of June, eighteen hundred and fifty-eight.

§ 2. This act shall take effect immediately.

Chap. 278.

AN ACT authorizing the town of Malone, in the county of Franklin, to make a loan from the Common School Fund.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer, on the warrant of the comptroller, shall pay to the trustees of the Franklin Academy, in the town of Malone, in the county of Franklin, the sum of one thousand dollars, out of any money in the treasury belonging to the capital of the school fund, or out of any other money in said treasury, which the comptroller is authorized to invest, to be expended by the said trustees in paying and discharging the debts due from the said institution; which sum of one thousand dollars shall be charged in the books of the comptroller as a debt due from the said town of Malone to this state, payable in ten equal annual payments, with annual interest on the whole sum unpaid, at the rate of seven per cent per annum.

§ 2. In case said loan shall be made, the board of supervisors of the county of Franklin are hereby authorized and required, at their annual meeting during each of said ten years, to cause to be levied and collected from the taxable property and inhabitants of the said town of Malone, over and above the expenses of collection, at the same time and in the same manner in which the other taxes of said town shall be raised and collected, such sum as will pay the several instalments so to grow due on such loan, with the interest, and which several sums, when collected, shall be paid over to the treasurer of the county of Franklin.

§ 3. Within ten days after the aforesaid sums shall be respectively collected and paid over to him as above provided, the treasurer of said county of Franklin shall pay the same into this treasury of this state; and upon such payment being made, the same shall be an extinguishment of so much of the said debt so aforesaid charged to the said town of Malone.

§ 4. This act shall take effect immediately.

Chap. 279.

AN ACT relative to the election of a special Judge for the county of Tompkins.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be elected in the county of Tompkins, at the next general election, and as often thereafter at any succeeding general election as may be necessary, in the same manner as other county officers are elected, a local officer, to discharge the duties of county judge and surrogate of said county, in cases of vacancy, or the absence or other inability of such officer, in pursuance of section fifteen of article sixth of the constitution; and the term of office of the person so elected shall commence on the first day of January next after his election; he shall hold his office for four years, and until another shall be chosen in his place and duly qualified, and shall be subject to removal in the same manner and for the same causes as county judges and surrogates are subject to be removed.

§ 2. Such person so elected, in case he shall be of the degree of counsellor at law in the supreme court, shall possess all the powers and perform the duties which are possessed and can be performed by a county judge out of court, and any proceeding commenced before him, may be finished by him, or he may, by an order made by him, direct that the same be finished by the county judge.

§ 3. Such local officer shall be designated special county judge, and shall receive for the services to be rendered by him under the provisions of this act, such compensation as shall be allowed to him by the board of supervisors in said county; all fees received by him for discharging any of the duties under this act, shall be paid to the county treasurer of said county, to be applied towards the payment of county charges.

Chap. 280.

AN ACT to amend Chapter one hundred and forty-eight of the Laws of eighteen hundred and fifty-five, relating to certain Officers in Washington county.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to authorize the election of local officers to discharge the duties of county judge and surrogate in the county of Washington, and to do chamber business," passed April third, eighteen hundred and fifty-five, is hereby amended by striking out the words "three years," in said section, and inserting in lieu thereof the words "four years."

§ 2. The term of office of said officers respectively, shall be four years, and the persons elected special county judge and special surrogate of the county of Washington, at the general election in the year eighteen hundred and fifty-five, in pursuance of said act, shall respectively hold and discharge the duties of their offices for four years from the commencement of their term of office, instead of three years, as provided in said act.

Chap. 281.

AN ACT to release the title of this State to a certain house and lot in Oneida county, to Patrick Andrews.

Passed April 16th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title, interest and property of the people of this state, acquired by escheat, in and to a certain house and lots lying and being in the town Whites-town, county of Oneida, and conveyed by William Parker and wife to Bridget Andrews, the first day of April, eighteen hundred and fifty, by deed, which deed was recorded in the Oneida county clerk's office, the fifteenth day of October, eighteen hundred and fifty, and by Edward S. Brayton and others, to said Bridget Andrews, the twentieth day of August, eighteen hundred and fifty, by deed, which deed was recorded in the Oneida county clerk's office, the fifteenth day of October, eighteen hundred and fifty, as by reference thereto will more fully appear, is hereby released and confirmed in said Patrick Andrews, the brother of said Bridget Andrews, and he may hold and enjoy, or dispose of the same, to himself, his heirs and assigns, forever.

§ 2. Nothing contained in this act shall be deemed or held to affect or impair the rights of the other heirs, if any, or the creditors of said Bridget Andrews.

§ 3. This act shall take effect immediately.

Chap. 282.

AN ACT to provide for the appointment of a clerk and deputy of the court of Special Sessions, in the city and county of New York, and in relation to the Justices of said court.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be appointed by the police ^{Clerk to be} justices in the city and county of New York, in the manner ^{appointed.} hereinafter provided, a clerk and deputy clerk for the court of special sessions in said city and county.

§ 2. It shall be the duty of said clerk or his deputy, to ^{Duty of} enter all the proceedings of the said court, and the sentences ^{such clerks.} on all convictions had therein, in full, in a book of minutes to be by him kept for that purpose, to administer the oath or affirmation required by law to be administered in the said court; to issue all subpoenas for witnesses on the part of the people, and to furnish, when required, the necessary blanks for witnesses on the part of the defense.

§ 3. Whenever sentence shall be pronounced upon any ^{Sentence of} person convicted of any offence in the said court of special ^{persons.} sessions, the clerk thereof shall, as soon as may be, make out and deliver to the sheriff of the said city and county, or his deputy, a transcript of the entry of such conviction, in the minutes of the said court, and of the sentence thereupon, duly certified by the said clerk, which shall be sufficient authority to such sheriff or deputy to execute such sentence, and he shall execute the same accordingly.

§ 4. All ^{Fines.} fines imposed by the said court, shall be received by the clerk thereof, who shall return the same monthly, under oath, to the chamberlain of the said city.

§ 5. Transcripts of convictions had in the said court, shall ^{Transcripts} not be required to be certified by the magistrates holding ^{of convictions.} the said court, or filed, but a duly certified copy of any such conviction, made by the clerk of the said court, shall be evidence in all courts and places, of the facts therein contained.

Salary, &c.

§ 6. The salary of the said clerk and deputy clerk, shall be fixed by the board of supervisors, and shall not be increased or diminished during their continuance in office; such salaries shall be paid out of the treasury of the city and county of New York, in equal monthly payments. Before entering upon the duties of their respective offices, the said clerk and deputy clerk, shall severally take and subscribe, before the clerk of the county, the oath of office prescribed by the constitution, which oath shall be filed in the office of the said county clerk; they shall also severally execute a bond to the people of the state, in the penal sum of one thousand dollars, with sufficient sureties to be approved by the city comptroller, conditioned for the faithful performance of their duties according to law, which bond shall be filed in the office of the said city comptroller.

Police justices to meet and appoint clerk.

§ 7. The police justices of the said city shall, within twenty days after the passage of this act, meet together in the court room of the special sessions, at the halls of justice, in said city, and proceed to appoint the said clerk and deputy clerk of the special sessions, and a majority of the whole number of police justices elected in said city, shall be necessary to a choice in each instance. The term of office of the clerk and deputy clerk first appointed under this act, shall expire at the same time with that of the police justices aforesaid; and their successors shall be appointed for the term of six years, in the same manner herein provided; in case of vacancy in either of said offices, it shall be filled in the same manner for the unexpired term.

Term of office.

§ 8. The said court of special sessions may be held by any three of the said police justices, who shall sit alternately, except that one of their number may be selected to preside. And the said justices shall meet in convention, and assign the justices to hold the several terms of said court. The resolution of the board of supervisors of said county, fixing the compensation of said justices for holding said court, shall take effect from the time the said justices entered upon the performance of such duty; and said compensation shall not be increased or diminished during their term of office. The said board of supervisors shall fix the compensation of the temporary clerks employed in said court up to the passage of this act.

§ 9. All acts or parts of acts, inconsistent herewith, are hereby repealed.

§ 10. This act shall take effect immediately.

Chap. 283.

AN ACT to authorize the Treasurer of the County of Westchester to borrow money to Complete the new County Buildings.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer of the county of Westchester is hereby authorized and directed to borrow, on the credit of said county, a sum of money not exceeding ten thousand dollars, to be devoted and applied to the completion and furnishing of the new county buildings at White Plains, and to the enclosing and improving of the grounds belonging thereto.

§ 2. The said money shall be raised upon the official bonds or certificates of the county treasurer, in the manner authorized and directed by the act authorizing said treasurer to borrow money for the erection of the county buildings, passed March thirtieth, eighteen hundred and fifty-five.

§ 3. The board of supervisors of the county of Westchester are hereby authorized and required, at their annual meeting in each year, after the passage of this act, to cause to be levied, assessed and collected, upon the taxable property in said county, in the same manner as other county charges, a sum not exceeding one-fifth of the amount of the loan so to be raised by said county treasurer, together with the annual interest upon the amount of such loan, as may from year to year remain unpaid; and the county treasurer shall receive such moneys so to be raised by tax, and shall apply the same, without delay, to the payment of the principal and interest of such loan, as the same may be or become due.

§ 4. All the provisions of the act passed March thirtieth, eighteen hundred and fifty-five, entitled "An act to authorize the treasurer of the county of Westchester to borrow money for the erection of new county buildings in said county, and for other purposes," so far as such provisions are applicable to and not inconsistent with the provisions of this act, shall apply to and be deemed a part of this act.

Chap. 284.

AN ACT to revive and amend an act entitled
"An act to incorporate the Albany and New
Baltimore ship canal and basin company,"
passed April twelfth, eighteen hundred and
fifty-three.

Passed April 16th, 1858.

*The People of the State of New York, represented
in Senate and Assembly, do enact as follows:*

Company
revived.

SECTION 1. The act entitled "An act to incorporate the Albany and New Baltimore ship canal and basin company," is hereby revived and continued, as hereinafter amended, notwithstanding the omission of the corporation thereby created, to comply with the requirements of the eighth section of the said act within the time thereby limited; and the time within which the said corporation shall be required to begin the construction of the said works, and expend ten per cent of its capital thereon, is hereby extended for the term of five years from the passage of this act, and the time for so far finishing the said canal as to admit of the regular passage of vessels through the same, for the term of ten years from the passage hereof.

§ 2. The second section of the said act is hereby amended so as to read as follows:

Capital
stock.

§ 2. The capital stock of the said company shall be three hundred thousand dollars, with liberty to the directors to increase the same from time to time, as they may deem necessary for the completion or improvement of their works, to an amount in all not to exceed fifteen hundred thousand dollars. The said stock shall be divided into shares of one hundred dollars each. Books of subscription therefor shall be opened, under the direction of the directors, subject to such regulations as they may prescribe; and no subscription shall be received unless the subscriber, at the time of subscribing, shall pay to the directors ten per cent on the amount of stock subscribed by him.

§ 3. The third section of the said act is hereby amended so as to read as follows: Law applicable, &c.

§ 3. The provisions of the fifth, sixth, seventh, eighth, tenth and eleventh sections of the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and of the subsequent amendments to the said sections, contained in chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four, except so far as the fifth section thereof is modified by the next section of this act, are hereby made applicable to the corporation hereby created.

§ 4. The fourth section of the said act is hereby amended so as to read as follows:

§ 4. The directors of the said company shall be fifteen in number, and Eli Perry, George H. Thacher, Erastus Corning, Josiah B. Plumb, Lansing Pruyn, Orlando Meads, Visscher Ten Eyck, James D. Wasson, Robert H. Pruyn, William E. Bleecker, David I. Boyd, John N. Wilder, Samuel H. Lansing, Jacob H. Shear and Edward E. Kendrick, shall, in case they become subscribers to the said stock, be the first directors of the said corporation, and shall hold their offices until the first annual election after this act shall take effect, and until others shall be chosen in their stead.

§ 5. The third subdivision of the fifth section of the said act is hereby amended so as to read as follows: Ship canal to be constructed.

3. To make, construct and forever maintain a ship canal or slackwater navigation, of suitable width, depth and dimensions, to be determined by the directors, for the passage and accommodation of ships, steamers and other vessels, on either or both sides of the Hudson river, from some suitable point on the said river, at or near the south bounds of the city of Albany, to some other suitable point of communication with the said river, at or near, or above the village of New Baltimore; and also for the use, convenience or protection of the said canal, or of the vessels navigating the same, or the business connected therewith, to construct and maintain suitable locks, toll houses, embankments, basins, piers, wharves, side cuts, docks, dams, culverts, feeders, waste weirs, and other necessary or convenient works, buildings and grounds connected therewith; but nothing contained in this act shall be deemed to authorize the said corporation to encroach upon, obstruct, or in any way in-

terfere, by any of its works, with the navigation of the present main channel of the said river.

Law appli-
cable.

§ 6. The provisions of the third, fifth and sixth sections of chapter two hundred and eighty-two of the laws of eighteen hundred and fifty-four, and of the second section of chapter four hundred and forty-four of the laws of eighteen hundred and fifty seven, amending the said general rail road act and further regulating the proceedings on appraisals and for obtaining title to real estate, are hereby made applicable to the proceedings by this corporation, and the said proceedings may be and shall be deemed to be so modified as may be necessary for that purpose.

Chap. 285.

AN ACT to amend an act entitled "An act authorizing the formation of Town Insurance Companies."

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of "An act to authorize the formation of town insurance companies," passed April seventeenth, eighteen hundred and fifty-seven, is hereby altered to read as follows :

§ 1. It shall be lawful for any number of persons, not less than twenty-five, residing in any town, or in any two adjoining towns in this state, who collectively shall own property of not less than fifty thousand dollars in value, which they desire to have insured, to form themselves into an incorporated company, for the purpose of mutual insurance against loss or damage by fire, which corporation shall possess the usual powers, and be subject to the usual duties of corporations, and the corporate name whereof shall embrace the name of the town in which the business office of said company is located.

§ 2. Section ten is hereby amended so as to read as follows :

§ 10. No company formed under this act shall insure any property out of the limits of the town or towns comprised in the formation of the company, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents, nor shall they insure any property within the limits of any incorporated city in this state.

§ 3. This act shall take effect immediately.

Chap. 286.

AN ACT to repeal an act entitled "An act to regulate the salary of the district attorney of the county of Putnam."

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The act entitled "An act to regulate the salary of the district attorney of the county of Putnam," passed April fifth, eighteen hundred and fifty-four, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 287.

AN ACT to provide for the payment of a draft to Oliver Teall.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of seventeen thousand four hundred and eighty-two dollars and ninety-one cents, is hereby appropriated to pay the draft of Charles H. Sherill, canal commissioner, on the auditor of the canal department, in favor of Oliver Teall, to pay an award made by the canal commissioners for damages sustained by him in consequence of being deprived of the surplus waters of the canal, leased to him in the year eighteen hundred and twenty-six; said sum to be paid out of any moneys appropriated or to be appropriated to the enlargement of the Erie canal.

Chap. 288.

AN ACT to enable the Oswego Starch Factory to supply the loss of its certificate of organization.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Oswego starch factory, a corporation, organized under and in pursuance of "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February eighteen, eighteen hundred and forty-eight, and the various acts

amending said act, is hereby authorized to file in the clerk's office of the county of Oswego, a certified copy of its duplicate certificate of organization, which was filed in the office of the secretary of state, on the thirty-first day of March, one thousand eight hundred and forty-eight; and the county clerk of said county shall, upon being paid his fees therefor, receive and file the said certified copy as of the day and year last aforesaid. And the said duplicate certificate, under the seal of the secretary of state, when so filed, shall have the same effect, in all respects, as the original certificate, filed in the said county clerk's office, on the twenty-ninth day of March, in the year last aforesaid, and which has either been lost or mislaid, so as not now to be found.

§ 2. This act shall take effect immediately.

Chap. 289.

AN ACT to amend an act entitled "An act to amend the Revised Statutes in relation to limited partnerships," passed April 14, 1857.

Passed April 16th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of the act entitled "An act to amend the revised statutes in relation to limited partnerships," passed April 14, 1857, is hereby amended so as to read as follows:

§ 2. Section twelve of said article is hereby amended so as to read as follows:

§ 12. Every alteration which shall be made in the names ^{General} of the general partners, in the nature of the business, or in ^{partners.} the capital or shares thereof contributed, held or owned, or to be contributed, held or owned, by any of the special partners, and the death of any partner, whether general or special, shall be deemed a dissolution of the partnership, unless

the articles of partnership shall specify that in such events the partnership shall be continued by the survivors, in which case it may be so continued with the assent of the heirs or legal representatives of the deceased partner. And every such partnership which shall be carried on after such alteration shall have been made, or such death shall have occurred, shall be deemed a general partnership in respect to all business transacted after such alteration or death, except in the case of a provision in the articles of partnership for the continuance of the business by the survivors as aforesaid, in which case the heirs or legal representatives of the deceased partner may succeed to the partnership rights of such deceased partner, and continue the business the same as if such partner had remained alive; provided, however, that one or more special partner or partners may be added to the partnership upon actually paying in an additional amount of capital, to be agreed upon by the general and special partners, and the alteration of the partnership by such additional special partners, shall not make the partnership general nor alter its name nor work a dissolution, provided the general partners in the partnership name shall file an additional certificate with the clerk, with whom the original certificate may have been filed, verified on oath by one of them, stating the names and residences of such additional special partners, and the amounts respectfully contributed to the common stock by them. And any special partner, or the heirs or legal representatives of any such special partner, deceased, may sell his interest in the partnership without working a dissolution thereof, or rendering the partnership general, provided a notice of such sale be filed within ten days thereafter, with the clerk with whom such original certificate of partnership may have been filed, and the purchaser of such interest may thereupon become a special partner, with the same rights as an original special partner.

§ 2. This act shall take effect immediately.

Chap. 290.

AN ACT to amend section eighty-five of chapter four hundred and eighty of the Laws of eighteen hundred and forty-seven.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighty-five of chapter four hundred and eighty of the Laws of eighteen hundred and forty-seven, is hereby amended so as to read as follows:

§ 85. In making out a tax list, the trustees of school districts shall apportion the same on all taxable inhabitants of the district, corporations holding property therein; and on all banks, banking associations and individual bankers, whose place of business is within the district at the time any tax may be voted, according to the valuation of the taxable property which shall be owned or possessed by them at the time of making out such list within such district, or partly within such district and partly in an adjoining district, and upon all real estate lying within the boundaries of such district, the owners of which shall be non-residents, and which shall be liable to taxation for town or county purposes, and shall be situated within three miles of the site of the school house in such district. But when it shall be ascertained that the proportion of any tax upon any lot, tract or parcel not occupied by any inhabitant, would not amount to fifty cents, the trustees, in their discretion, may omit such lot, tract or parcel from the tax list.

§ 2. This act shall take effect immediately.

Chap. 291.

AN ACT for the removal of obstructions from Harlem river, and for a free bridge over the same.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The mayor, aldermen and commonalty of the city of New York, and the supervisors of the county of Westchester, are hereby authorized and directed to erect, build and maintain as hereinafter mentioned, a public free bridge for passengers, animals and vehicles over and across the Harlem river, from a point in said city at or near the terminus of the Eighth avenue, not east of the Seventh avenue nor west of the said Eighth avenue, to a point in said county at or near the terminus of the road leading to Macomb's dam.

§ 2. Lewis G. Morris and Charles Bathgate, of the county of Westchester, and Richard F. Carman and William James Stewart, of the city of New York, and their successors, to be appointed as hereinafter mentioned, are hereby appointed and made a board of commissioners for the purpose of erecting and building said bridge, and all vacancies in said board shall be supplied by the remaining commissioners; and the person thus appointed shall be a resident of the same county of which his predecessor was a resident at the time of his appointment.

§ 3. Within thirty days after the passage of this act, or as soon thereafter as convenient, the said commissioners shall cause to be prepared and filed in the offices of the clerks of the counties of New York and Westchester respectively, a plan of such bridge and a map of the lands and property necessary for such bridge and its support, and for passage to and from the same; and in case the said commissioners can not obtain a grant and conveyance of such land and property on terms satisfactory to them, it shall be the duty of such commissioners to apply to the supreme

court, at a special term thereof, to be held in the said city, for the appointment of five persons to estimate and fix the value of such lands and property, and to report the same to the said court, at a special term thereof, to be held as aforesaid, and upon the confirmation of such report, which shall also contain the names of the owners of such lands and property, if the same can be ascertained by such persons, such lands and property shall vest in and belong to the said mayor, aldermen and commonalty, and the said county of Westchester, for the purposes of this act. The provisions of the act entitled "An act to authorize the formation of railroad corporations," passed March twenty-seventh, eighteen hundred and forty-eighty, and all acts amendatory thereof, so far as the same are applicable, and not inconsistent with any of the provisions of this act, shall apply to the proceedings in regard to such lands and property, and all matters relating to such proceedings and such lands and property, and the vesting of the title thereto. The value thus fixed and awarded for any such lands or property, shall be paid to the persons entitled thereto by the said commissioners, out of the moneys hereinafter mentioned, with interest thereon from the time of the confirmation of such report.

Provisions
of railroad
act to apply,
&c.

§ 4. The said commissioners may at any time give notice in writing to any person owning or claiming to own any materials, erections or obstructions, in or over the said river, within or near the line of said new bridge, to remove the same within thirty days after the service of such notice; and in case such materials, erection or obstructions, be not removed within said thirty days, or within such further time as the said commissioners may in writing allow, the said commissioners shall remove the same, and such materials, erections and obstructions, before or after removal by them, may be sold or otherwise disposed of by said commissioners, and the parties owning the same shall be paid the value thereof, and be compensated for all the rights which may be lost to them or become valueless by such removal. In case the person or persons owning or claiming to own such materials, erections or obstructions, or their residence be unknown, such notice may be served by publishing the same once a week for two weeks in one of the public newspapers published in the city of New York, and one of the public newspapers published in the county of Westchester.

Commissioners may
give notice
in writing,
&c.

Notice may
be published
in papers.

Supervisors
once in 3
years to ap-
point com-
missioners.

§ 5. Upon the completion of the said bridge, and every third year thereafter, the supervisors of the county of New York shall appoint two persons, residents of said city, and the supervisors of the county of Westchester two persons, residents of said county, which four persons thus appointed shall compose a board of commissioners for maintaining and keeping in repair, and rebuilding, if necessary, such bridge, and shall hold their offices for three years from the date of their respective appointments, and until their successors are appointed. Vacancies in said board shall be filled by the supervisors of the county by whom the commissioner whose place is vacant was originally appointed, and until the meeting of the board of supervisors such vacancy shall be supplied by the remaining commissioners by a person resident of the county in which the vacancy exists. Any commissioner thus appointed may be removed from office by a vote of two-thirds of the board of supervisors of the county by which he was appointed, and such board of commissioners shall have power to employ and discharge a person or persons to attend the said bridge, and the draw thereof, and to keep the same in repair and good order.

Macomb's
dam to be
removed.

§ 6. Before proceeding to the erection of said bridge, the board of commissioners hereinbefore first mentioned, shall cause to be removed the present erection or structure known as Macomb's dam, and the obstructions in the river by reason thereof, or so much thereof as they may deem necessary, in the manner and subject to the obligations provided in the fourth section of this act, and the said materials, erections, obstructions and dam, shall be so removed, and the said bridge shall be so built and erected, as to make and to keep the said river navigable at all times of tide, according to its natural capacity.

Expenses to
be paid by
New York
and West-
chester
counties.

§ 7. The said bridge shall be erected, maintained, repaired and rebuilt, if necessary, and all expenses under this act shall be borne and paid by the city of New York and the county of Westchester equally, and there shall be imposed and raised by tax in and by the supervisors of the counties of New York and Westchester respectively, and included among the annual taxes of said counties respectively, the amount of the expenses to be borne and paid by each of said counties from year to year, certified to them by the commissioners from year to year, for the purposes aforesaid. To effect the removal of said materials, erections, obstructions and dam, and to build and complete said new

bridge, there shall be issued to the commissioners first above mentioned, by the treasurer of the county of Westchester, bonds of said county not exceeding in the aggregate the sum of ten thousand dollars, in such amounts not exceeding one thousand dollars each, and payable at such times not more than ten years from their respective dates, with interest payable half yearly at legal rates, whenever the said first mentioned board of commissioners shall require the same. And similar bonds, to an amount not exceeding ten thousand dollars, shall at the same time be issued to the said commissioners by the comptroller of the city of New York, on their requisition aforesaid, and the amount necessary to pay the interest on said bonds shall be made and be raised as part of the annual taxes of said counties respectively; and in the annual taxes of the year preceding the maturity of said bonds, or any of them, there shall be raised by tax by the supervisors of said counties respectively, and included among the annual taxes of said counties respectively, an amount sufficient to pay the bond or bonds of said county about to mature; provided, however, that in the county of Westchester the amount of said bonds maturing, with the interest, shall be levied, assessed and collected upon the real and personal property taxable in said county, in the following proportions, to wit: one-third thereof upon the towns of West Farms and Morrisania, and two-thirds thereof upon the county at large. The said bonds so issued shall be converted into cash at not less than par, by the said first named board of commissioners, and the moneys received therefrom shall be applied and used for the purposes aforesaid by the first mentioned board of commissioners, who shall cause such new bridge to be erected within two years from the passage of this act.

§ 8. There shall be at all times a turn table draw in said new bridge, with two openings of not less than sixty feet each.

§ 9. Before entering on the performance of his duties, each and every commissioner under this act, or appointed by either of the said boards of supervisors, shall give a bond, in a sufficient penal sum and with sufficient sureties, to wit: the commissioners in the city of New York, to the mayor, aldermen and commonalty aforesaid, and the commissioners in the county of Westchester, to the supervisors of the county of Westchester aforesaid, conditioned for the proper expenditure of the moneys received, and for the faithful performance of his duties as such commissioner. No com-

missioner shall be entitled to any compensation for the performance of his duties under this act, but his traveling expenses incurred in the performance of such duties, shall be considered and be part of the expenses of the erecting or maintaining and keeping in repair, or the rebuilding of said new bridge.

§ 10. All acts and parts of acts inconsistent herewith, are hereby repealed.

§ 11. This act shall take effect immediately.

Chap. 292.

AN ACT to incorporate the Central America Commercial and Industrial Company.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Body corporate.

SECTION 1. Erastus Corning, Edwin D. Morgan, John L. Schoolcraft, William F. Perkins, Charles B. Hoard, John Cochran, Henry H. Elliot, Walter S. Burgess, E. George Squire, Randolph Martin, Waldo Hutchings, John H. Peck, Myron H. Clark, John Anderson, and their associates, and all other persons who may be owners of the stock hereinafter named, are hereby declared and constituted a body corporate in fact and in law, by the name of the Central America Commercial and Industrial Company, by which name it shall have succession, with power to sue and be sued, complain and defend, in any court of law or equity, and so remain and continue a body corporate for twenty-one years from the passage of this act, for the purpose of organizing, conducting and facilitating emigration to Central America and for the purpose of promoting the welfare and prosperity of the settlements or towns which may be established in that country through the influence of this corporation, and for these purposes all the necessary and incidental power is hereby granted to said corporation. Said corporation may

Continuance of corporation.

have and use a common seal; may purchase, hold and convey such real estate as may be required for the purpose of conducting its business; provided it shall not hold real estate in the state of New York to an amount exceeding in value twenty thousand dollars.

§ 2. The capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same to a sum not exceeding three hundred thousand dollars. Said stock shall be divided into shares of one hundred dollars each and shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct. The said corporation may commence business as soon as thirty thousand dollars shall have been subscribed and paid in.

§ 3. The corporators named in the first section of this act, shall be commissioners to receive subscriptions for such capital stock, at such time and place as they shall appoint, in the city of New York, by giving one week's notice in one or more newspapers published in that city, and if the whole capital stock shall not be subscribed for at the time and place so appointed, other subscriptions may at any time be received, until the whole capital stock shall have been subscribed, under such regulations as the board of directors shall adopt.

§ 4. The persons named in the first section of this act shall be the first directors of said corporation, and shall hold their office until the first Monday in June, one thousand eight hundred and fifty-eight, or until others shall be elected in their place. The directors shall elect one of their number to be president of the corporation, who shall hold his office for the like period of time, unless he shall cease to be a stockholder, be removed from his office, resign, refuse to serve, or be disabled by sickness, or incompetent to act from any other cause. In either case the directors shall have power to fill the vacancy by the election of a successor. The first election of directors shall be held on the first Monday in June, one thousand eight hundred and fifty-eight, and on that day in every year thereafter, during the continuance of the corporation. The directors so elected shall elect one of their number to be president, who shall hold his office for the term of one year, or until a president shall be elected in his place, unless he shall be ineligible to the office or incompetent for any of the causes above mentioned,

in which case the directors shall elect some other person to fill the vacancy.

Powers of,
to make by-
laws, &c.

§ 5. The directors shall have power to make by-laws and regulations not inconsistent with the constitution and laws of this state or of the United States, for the management of the business, the transfer of the stock of said corporation, and for the safe keeping and protection of its property. The directors may appoint all such officers, agents and servants as may be necessary and useful for conducting the affairs of said corporation, and allow them a suitable compensation, and may remove the same at pleasure. A majority of the directors of said corporation shall form a quorum for the transaction of the business of said corporation, and the directors shall manage and conduct the affairs and business of said corporation.

One vote for
each share.

§ 6. Each stockholder shall be entitled to one vote for each share he shall hold at the time of any election; and the election shall be made by such of the stockholders as shall attend for that purpose either in person or by proxy.

§ 7. It shall be lawful for the directors of said corporation to call in and demand from the stockholders respectively, all such sums of money by them subscribed at such times, and in such payments or instalments as to the directors shall seem proper, under the penalty of forfeiting the stock subscribed for, and all previous payments made thereon.

Liability of
stockhold-
ers.

§ 8. The stockholders shall be jointly and severally individually liable for all the debts that may be due and owing to all laborers and operatives for services performed for the corporation: they shall also be severally individually liable to the creditors of the corporation, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by the corporation, until the amount of its capital stock shall have been paid in; and no stockholder shall be personally liable for the payment of any such debt contracted by the corporation, unless a suit for the collection of such debt shall be brought against the corporation within two years after the debt shall become due, nor unless such suit shall be commenced against such stockholder within one year from the time he shall have ceased to be a stockholder in the corporation, nor until an execution against the corporation shall have been returned unsatisfied in whole or in part.

Book to be
kept by
treasurer or
secretary.

§ 9. It shall be the duty of the corporation to cause a book to be kept by the secretary or treasurer thereof, containing the names of all persons who are stockholders in

said corporation, showing their place of residence, the number of shares of stock held by them respectively, the time when they became respectively the owners of such shares; which book shall at all reasonable times be open to the inspection of the creditors and stockholders at the office or principal place of business of said corporation; and such books shall be evidence of the right of any person to vote at any election for directors.

§ 10. This act shall take effect immediately.

Chap. 293.

AN ACT to provide for the election of a Register of Deeds in and for the county of Westchester.

Passed April 16th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. At the general election to be held in the county of Westchester in the month of November, eighteen hundred and fifty-eight, and as often thereafter as may be necessary, as hereinafter provided, there shall be elected in addition to the other officers then to be elected for the said county, and in the same manner as other county officers, a register of deed in and for said county. Register of deeds to be elected.

§ 2. The term of office of every register so elected (except when elected to fill a vacancy, when the same shall commence immediately), shall commence on the first day of January succeeding his election, and shall continue for the term of three years from such first day of January (unless such register be sooner removed or disqualified), and until his successor shall have duly qualified himself to perform the duties of such office. Term of office.

§ 3. Such register and his deputy must be at all times residents of the county of Westchester, and his and their offices shall become vacant by his or their removal therefrom. Register to be resident of Westchester county.

§ 4. The name of the person intended to be voted for as such register, shall be placed by each voter on the ballot indorsed "State," in written or printed characters, after the words "For register," in the inside thereof.

Duties of
register, &c.

§ 5. After such register shall have taken the oath of office prescribed by law, all that part of the duty of the county clerk of the county of Westchester, which in the city of New York is by law required to be done and performed by the register of deeds in said city and county, shall be done and performed by such register of deeds in and for the county of Westchester, and such register shall be entitled to receive the same fees therefore as the county clerk of the county of Westchester would be by law entitled to received for the performance thereof; and thereafter the county clerk of the county of Westchester is hereby relieved, discharged and prohibited from performing any such duties hereby devolved upon such register.

Office where
to be kept.

§ 6. Such register shall keep his office at such place in the new county buildings at White Plains as shall be designated and provided by the supervisors of the county of Westchester for that purpose, and it shall be the duty of such register, or of his deputy to be appointed by him, to attend personally at such office during the hours now required by law of the county clerk of the county of Westchester.

Deputy.

§ 7. Such deputy shall be appointed by such register, to hold his office in like manner as the deputies of the clerks of counties, and all the provisions of law in relation to the deputies of the clerks of counties, their powers, duties, and the responsibility of their principals for their acts, shall apply to such deputy.

Register
may be re-
moved.

§ 8. Such register may be removed from office in the same cases and in the same manner as the clerks of counties. Such deputies shall in case of any vacancy in the office of his principal, act as the register of deeds of the county of Westchester, until another register shall be appointed or elected, and shall have entered upon the duties of such office as herein provided.

Vacancy,
how filled.

§ 9. In case of any vacancy in the office of such register, arising from the death, resignation, removal from the county, or from office, or disqualification of such register, the governor of this state may appoint some competent person to the office of register, who shall hold his office until the next general election, should such general election not take

place within thirty days after the happening of such vacancy, otherwise till the general election succeeding such general election, and until his successor shall have entered on the performance of the duties of his office.

§ 10. Such register shall be entitled to the same allowance for furniture, books and stationery, for the performance of his duties, as the county clerk of the county of Westchester is now entitled to receive, which allowance shall be made in the same manner. Furniture for office, &c.

§ 11. The clerk of Westchester county is hereby directed and required to surrender and deliver over on said first day of January, one thousand eight hundred and fifty-nine, to the register that shall be so elected, all the books containing any records of deeds, mortgages, and all other conveyances of real estate, including those of satisfaction of mortgages, notices of homestead exemption, limited partnership, rural cemeteries, miscellaneous matters, maps, and all of the indexes of all of the before mentioned records, and all papers and documents received for record which on that day shall be in the office, possession or control of the said county clerk, and thereafter the register of said county shall have the exclusive care, custody and control of said books of record and maps and the future records of said office; all other books and papers shall remain in the possession and under the control of the county clerk of said county, as heretofore. Clerk directed to surrender books, &c.

§ 12. This act shall take effect immediately.

Chap. 294.

AN ACT to authorize the city of Buffalo to guarantee the payment of interest on moneys expended in the construction of a bridge over the Niagara river, and to raise the funds necessary for the payment thereof.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Common
council to
guarantee
payment of
interest, &c.

SECTION 1. The common council of the city of Buffalo are hereby authorized, by a vote of two-thirds of the members elected thereto, to guarantee, as hereinafter provided, an annual interest on such an amount of the capital stock of the International Bridge Company, incorporated by an act of the legislature of the state of New York, passed April seventeenth, eighteen hundred and fifty-seven, and of the International Bridge company, incorporated by a statute of the province of Canada, passed in the twentieth year of the reign of her majesty, Queen Victoria, and in the third session of the fifth parliament of said province, and the royal assent given by her majesty in council on the twenty-seventh day of August, eighteen hundred and fifty-seven, as shall be necessary and sufficient to construct and complete a bridge across the Niagara river, at the said city of Buffalo, and to defray the expense of suitable approaches, fixtures and other expenses provided for by the said acts; the aggregate amount of said capital stock, so authorized to be guaranteed, shall not exceed the sum of two millions five hundred thousand dollars; the rate of interest during the construction of said bridge, its approaches, fixtures and appurtenances, shall not exceed four per cent per annum, nor shall such rate of interest be so guaranteed for a longer term than three years from the commencement of such construction.

May make
contract, &c.

§ 2. The common council may, by a contract with the said companies, designate the day when the work shall be commenced, or be deemed to have been commenced, and

make the guarantee and payment of interest dependent upon the expenditure of fixed sums of money, in fixed times or periods, in the construction of said bridge, and in the construction and the acquisition of suitable approaches and fixtures. The guarantee and payment of interest shall be from the end of each three months, from and after the day so designated, upon the sum actually expended during the prior three months, in such construction and acquisition, up to the date of the actual completion of the said bridge, not exceeding three years from the day so designated as the commencement of the works, and the contract shall provide for some reasonable mode of ascertaining and liquidating, to the satisfaction of the common council, the sum of money so expended in each three months. If the said bridge, its approaches, fixtures, and all other works which the said acts authorize and require to be done, shall not be finished and ready for use at the end of three years from the commencement thereof, the liability of the said city to pay said interest shall cease until the same shall be completed.

§ 3. Whenever the contract provided for in the preceding section shall be made, the said common council shall be authorized and empowered, at the same time, to further agree and contract with the said companies, that when the said bridge, its approaches, fixtures and appurtenances, and other works, shall be completed and ready for use, they will guarantee and pay an annual interest not exceeding six per cent per annum, in a manner, the form to be agreed upon, on an amount of the capital stock of said companies equal to the actual sum expended by said companies in the construction of said works, not exceeding the sum of two millions five hundred thousand dollars, for a term not exceeding fifteen years, after the completion of such bridge by the said companies, upon such reasonable agreements and conditions, touching the management and control of the bridge, and touching the expenditures of the companies, as may be deemed advisable for the indemnity of the city, and upon the agreement of the companies faithfully and fully to perform and execute the provisions of this section, and upon the guarantee and payment herein mentioned being made, dependent upon the full and faithful execution and performance of all and singular the conditions and agreements by the said companies to be performed and kept, and of the faithful execution by them of the provisions of this section. During the period of the aforesaid guarantee, the board of

Contract, when made.

directors and the common council shall fix the tolls and charges to be paid for the use of said works, according to the charters of said companies, which tolls the said companies shall collect, and shall, on the first Tuesday in each month, pay over, for the sole use of said city, the amount so collected to the treasurer of the said city of Buffalo, reserving therefrom only a sum sufficient to defray the current expenses of said bridge, and the ordinary repairs actually and necessarily made, the whole or any part of which may be fixed by contract between the parties aforesaid; such payment to be accompanied by a monthly abstract of receipts and disbursements, verified under oath by the officers of said companies.

Draws, &c.,
become im-
passable, &c.

§ 4. If for any cause not produced by the said city, the said bridge, its approaches, draws, machinery, fixtures or appurtenances shall, within the term of not exceeding fifteen years, become impassable or dangerous, the said guarantee of interest shall cease, and be suspended until said bridge, its approaches, draws, machinery, fixtures or appurtenances shall be put in complete repair, and in a safe condition for use, by the said companies, and at their own expense and charges; and during said suspension of travel over or use of said bridge, the said city shall not be liable to pay any interest on the said guarantee.

Sum for
payment of
interest to
be included
in general
tax.

§ 5. The sum necessary for the payment of the interest guaranteed under the provisions of this act shall be included in the annual estimate of the comptroller made to meet the expenses of said city for each year, and levied and collected as a part of the general city tax, in the same manner as the expenses for all other general city purposes are levied and collected; but the common council, in their discretion, may provide for the payment of the interest guaranteed during the construction of the work, or any part thereof, as it shall fall due, by contracting a temporary loan for a term not exceeding twenty years, and issue the bonds of the said city for the same, bearing an interest not exceeding seven per cent per annum. No part of said city, as now or hereafter organized, shall be exempt from the payment and discharge of any liabilities incurred under any of the provisions of this act.

Special elec-
tion to be
ordered.

§ 6. The common council, before exercising the powers conferred by the preceding sections, shall order a special election, in the manner prescribed by the charter of said city for the ordering and holding of special elections, to ascertain

whether the electors of said city will approve or disapprove of the exercise of said powers, which election shall in all respects be conducted in the same manner as charter elections held for the election of city officers, and all the provisions of law respecting such elections, and the persons voting or offering to vote thereat, shall be applied to such special election; or they may submit the same to the electors of said city, for approval or disapproval, at any charter or general election held in said city, under the provisions of existing laws, at any time after the passage of this act. The common council shall provide a box for the inspectors of election, in each election district in said city, in which each elector may deposit a ballot, on which shall be written or printed the words "For aid to the bridge," or "Against aid to the bridge." The said box shall be kept open for the reception of ballots in each of the election districts in said city, if at a special election, from nine o'clock in the morning until seven o'clock in the evening, on the day of such election; if at a charter or general election, then during the period the other polls shall be open at the same election. On the close of the polls, the inspectors shall immediately proceed to canvass the ballots deposited in the boxes, in the manner now required by law in the election of city officers, and make a certificate thereof, stating the number of ballots cast "For aid to the bridge," and the number "Against aid to the bridge," and within two days thereafter shall file the said certificate in the office of the city clerk. The mayor and city clerk shall immediately proceed to canvass the ballots thus certified and returned, and make their certificate stating the whole number of ballots "For aid to the bridge," and "Against aid to the bridge," and sign and file the said certificate in the office of the city clerk, and report the result of said canvass to the common council at the next meeting thereof.

§ 7. When the common council shall order an election in pursuance of the foregoing section, they shall at the same meeting order and direct this act to be published three days in each of the daily papers printed and published in the said city of Buffalo, the last publication to be made two days before the day appointed for the holding of such special election.

§ 8. This act shall take effect immediately.

Chap. 295.

AN ACT to declare the legality of the use of certain floating docks for the purpose of the repair, coppering or finishing of ships and vessels.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the floating docks of the New York Balance Dock Company, to be used, with the consent of the owners of the piers or bulkheads occupied for such use, or of the persons entitled to collect wharfage for such piers or bulkheads, for the purpose of taking up ships and vessels for repair, coppering or finishing, in the manner heretofore practiced in the port of New York; subject to the existing authority of the common council of the city of New York, by ordinance, to regulate the use of the slips, piers and wharves, of said city.

§ 2. This act shall take effect immediately.

Chap. 296.

AN ACT to incorporate the People's Loan and Relief Company of the city of New York.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Body corpo-
rate.

SECTION 1. That Anthony J. Bleecker, James S. Slayter, Alexander M. C. Smith, Charles E. Quackenbush, Nathaniel M. Treeman, Alexander C. Lawrence, William H.

Michaels, Ovando S. X. Peck, Patrick G. Maloney, Richard H. Ogden, Augustus G. Seaman, George Briggs, Amariah D. Barber, John G. Holbrook, Samuel Asgood and their associates, shall be and are hereby constituted a body corporate and politic, by the name and style of the "People's Loan and Relief Company," and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever, and whose operations of business shall be confined to the City of New York.

§ 2. The corporation hereby created, in addition to the Powers. powers conferred by law upon corporations, shall have the power to loan money in any sum, on a pledge of personal property, and to charge interest thereon at the rate of fifteen per cent per annum on all sums under fifty dollars, and not exceeding one hundred dollars, twelve and one-half per cent, and beyond this amount, nine per cent per annum, and may receive money on deposit, not allowing over seven per cent per annum, and to each depositor shall be furnished a pass book or certificate of the name of the depositor and the amount of the deposit, the time of the loan and the rate of interest agreed to be paid by the company, a copy of which shall be entered in the books of the company.

§ 3. The said corporation shall always use diligence in preservation of the property pledged to them, and shall at all times have insurance in one or more insurance companies for the average amount of the loans made on pledge, and the pawnors shall not be subject to pay for such insurance, or any charge for such insurance, or any charge for such certificate of loan or storage, nor any charge whatsoever, except the interest and charges allowed by this act. To preserve property pledged to them.

§ 4. The capital stock of said corporation shall be two hundred and fifty thousand dollars, of five thousand shares of fifty dollars each; and the directors above named shall be commissioners, whose duty it shall be, within a reasonable time after the passing of this act, on such day, and in such place in the city of New York, as they, or a majority of them, shall appoint, giving at least fourteen days notice thereof in two or more newspapers published in said city, to open books for the purpose of receiving subscriptions thereto, on such other day, and at such place in said city, as they, or a majority of them, shall from time to time appoint, until the whole of said stock shall be taken up. Capital stock.

§ 5. If there shall be more than five thousand shares subscribed, the commissioners, or a majority of them, shall proceed to distribute and apportion the capital stock of said If more than five thousand shares, &c.

corporation among the subscribers thereto, in such manner as they shall deem most advantageous to the interests of the institution.

Board of directors.

§ 6. All the corporate powers of said corporation shall be exercised by a board of directors, and the directors named as above shall hold their office for one year from the passing of this act, or till others are appointed.

Classes of directors.

§ 7. The directors shall at their first meeting divide themselves by lot into classes of five each. The term of the first class shall expire at the end of one year, the term of the second class at the end of two years, and the term of the third class at the end of three years. The places of these classes shall be annually filled by the stockholders of this corporation, on a public notice of fourteen days; a plurality of votes shall be sufficient for an election.

Election of directors.

§ 8. All elections for directors shall be by ballot; every stockholder shall be entitled to one vote for each share of stock held by him, according to the provisions of title two, section two, of chapter eighteen, part one, revised statutes. The persons who shall have the greatest number of votes shall be directors, and if at any such election, two or more persons shall have an equal number of votes, then the directors who shall have been duly elected, shall by ballot and plurality of votes, determine which of said persons so having an equal number of votes, shall be director or directors, but no person shall be eligible for a director, who does not reside in this state, and who is not a stockholder to the amount of twenty shares.

Stockholders to pay money on requisition of directors.

§ 9. The directors shall from time to time require the stockholders respectively to pay the sums of money by them subscribed, at such time, and in such proportion, as the directors shall think proper under the penalty for non-compliance with such requisition, of forfeiture to the company of the said shares and all previous payments thereon.

Public notice of requisition to be given.

§ 10. Public notice of any such requisition shall be published once a week at least, for four weeks successively, in one or more of the newspapers published in the city of New York, which shall be a sufficient demand on each stockholder in case of his non-compliance therewith to work a forfeiture in the preceding section mentioned.

Loans made by corporation.

§ 11. On all loans made by the said company on the pledge of personal property, under the sum of twenty-five dollars, the same shall be retained for one year, but all over said sum shall be retained for three months, or for such further time according to agreement, all of which pledges

so unredeemed, shall be sold at auction after fifteen days publication thereof, in one or more of the newspapers published in the city of New York, and on such sales, if any excess remains after deducting the amount due the company, and the expenses of the sale, the same shall go to the credit of the pawnor, but the company shall not be liable for any interest.

§ 12. When any loan shall be made by said company upon pledge of personal property, the property pledged shall be appraised by the appraiser of the said company, and the proper officer thereof shall sign and deliver to the borrower a certificate, dated on the delivery thereof, containing a description of the property pledged, as near as may be, the appraiser's value, the sum loaned, and the time for the repayment thereof, together with the name and place of residence of such borrower, a duplicate of which certificate shall be kept in the books of said company. Loans on pledge of personal property.

§ 13. The real estate which it shall be lawful for said corporation to purchase, hold and convey, shall be: To hold real estate.

1. Such as shall be required for its accommodation, in the convenient transaction of its business.

2. Such as shall have been conveyed to it, in satisfaction of debts previously contracted, in the course of business.

3. Such as shall have been purchased at sales, upon judgments, decrees, or mortgages, obtained or made for such debts.

§ 14. The said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise, or commodities whatever, or in buying or selling any stock, created under any act of the United States, or of any state, unless the same be truly pledged as security for debts to said corporation. Corporation not to buy or sell any goods.

§ 15. That a majority of the directors above named shall as soon as the said company is organized, proceed to elect one of their number governor, and shall appoint all other officers, appraisers and agents, at such salary and on such conditions as said company shall deem best, for carrying out the objects and interests of this corporation. Governor to be elected.

§ 16. The said corporation may increase their capital stock, from time to time, till the same amounts to five hundred thousand dollars, on giving notice of such increase, in one or more of the newspapers published in the city of New York. May increase capital stock.

§ 17. It shall be the duty of the directors to make divi- Dividends.

dends half-yearly, or otherwise, of so much of the surplus profits arising from the business of said corporation, as they or a majority of them shall deem advisable.

Transfer of
stock.

§ 18. No transfer of any stock of the said corporation shall be valid, until such transfer shall be entered in the book to be kept for that purpose, which shall be open at all reasonable times during business hours, excepting when closed for the purpose of making dividends, or election of directors, according to the by-laws of the company.

Oaths, who
may admin-
ister.

§ 19. It shall be lawful for an officer, for that purpose appointed by the directors, to administer an oath or affirmation, to the person offering to pledge any property, that he or she is the owner of the same, or that he or she pledges the same as the authorized agent of a person who has a right to pledge the same, according to his or her belief, as the case may be, which shall also be noted on the certificate to be delivered to the borrower as aforesaid.

Presentation
of certificate
of pledge.

§ 20. Upon presentation at the usual place of business of said company, of the certificate of any pledge, at or before the time therein specified for the continuation of the loan, and upon payment made by the bearer thereof, of the sum loaned, with the interest from the date thereof to the said presentation, provided that no interest shall be calculated for less than one month, the property therein described shall be, without delay, delivered to the bearer of said certificate and in case of loss of such certificate it shall be lawful for the said corporation to require of the person or persons claiming the right to redeem any property which has been pledged, satisfactory proof, by affidavit or otherwise, that such person or persons are legally entitled to receive the same, and may also require of the said person or persons, a bond of indemnity, with sufficient security or securities in double the amount of the appraised value of such property, and conditioned that the said property shall be returned or the just and the full value of the same refunded, if the said loss certificate shall thereafter be presented, or such property shall be otherwise legally claimed, together with all costs, charges, damages and expenses which shall accrue by the delivery thereof; and in case the officer to whom such certificate shall be presented, shall suspect the person or persons presenting the same, to be unlawfully possessed of the same, the said officer may administer an oath or affirmation to the person presenting such certificate, that he or she is justly entitled, as the legal owner or as the agent of said legal

Value, &c.

owner, to receive the property therein specified; and in case of the refusal to make such oath or give such bond, the said corporation shall not be bound to return such property in the certificate mentioned.

§ 21. False swearing or affirming in any oath or affirmation, required or permitted to be administered or taken by this act, shall be deemed willful perjury, and shall be punished as such in all courts of justice whatsoever. False swearing.

§ 22. The books of the said corporation shall at all times during their hours of business, be open for inspection and examination of the mayor and recorder of the city of New York, and of the comptroller of the state, and such other person as the legislature of the state or the comptroller shall designate or appoint for that purpose. Books may be inspected by mayor, &c.

§ 23. And this grant is made upon the express condition that all moneys due to depositors shall be paid in specie when demanded, and such surplus arising from unredeemed pledges, and in case of failure to meet such demands, then this grant is to be void and of no effect, otherwise to remain in full force for twenty-one years from this date.

Chap. 297.

AN ACT to authorize the Board of Supervisors of the city and county of New York to audit and allow certain claims against said city and county.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The board of supervisors of the city and county of New York, are hereby authorized to audit, and allow, such charges as may be reasonable and proper for services actually *rendered** during the year eighteen hundred and fifty-seven, for the protection and taking care of the various

* So in the original.

police station houses in the city of New York, while not occupied by the police, and which services have not already been paid by order of the board of supervisors of said city and county.

§ 2. This act shall take effect immediately.

Chap. 298.

AN ACT to authorize the Canal Commissioners to construct a road bridge over the Erie canal in the village of Cohoes.

Passed April 17, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal commissioners are hereby authorized to construct, or cause to be constructed and maintained at the expense of the state, over the Erie canal in the village of Cohoes, at or near the intersection of White street, a single track wooden road bridge, in such manner as they may deem the interest of the state to require; to be paid from any moneys appropriated to the enlargement of the Erie canal.

§ 2. Before commencing the construction of said bridge, the canal commissioners shall require and receive a full release, legally executed and delivered free of expense to the state, of all claims for damages in consequence of the construction of said bridge, or of the necessary embankments, from all persons that might otherwise have claimed damages.

§ 3. This act shall take effect immediately.

Chap. 299.

AN ACT to incorporate the West Farms Fire Department.

Passed April 17, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the town of West Farms, in the county of Westchester, which is embraced in the following limits, to wit: commencing at the centre of the drawbridge over the West Farms creek, on the Southern Westchester turnpike road, thence running northerly along said West Farms creek, and Bronx river, as it winds and turns, until it comes to a point where Union avenue intersects said Bronx river; thence northwesterly along the centre of Union avenue, until it comes to a point opposite the center line of Authur street; thence southwesterly along the center line of Authur street, until it comes to the centre of the road leading from West Farms to Fordham; thence southerly along the centre of said road, until it comes to a point opposite the line fence dividing Samuel Ryers' land from land formerly of Gouverneur Morris; thence southwesterly along said line fence, until it comes to Locust avenue; thence still continuing southwesterly, crossing said Locust avenue, and continuing along a stone wall which divides Fairmount village from land now or late of Doctor Jarvis, until it comes to land belonging the heirs of George Faile, deceased; thence southwesterly along the line fence dividing the land of George Faile, deceased, and Eliza Hunt, from the land of Charles Bathgate, John Bathgate and Alexander Bathgate, until it comes to land now of C. L. Georgi; thence southwesterly along the line fence dividing C. L. Georgi's land from Morrisania village, until it comes to Jefferson street; thence southeasterly along the northerly side of Jefferson steet, until it comes to a point in the centre of the old Boston post road; thence northerly along the centre of said road, until it comes to a point opposite the line fence dividing the land of William W. Fox

Boundaries
and limits.

Id.

from James Church; thence southeasterly along William W. Fox's line fence, as it runs from the said old Boston post road, along the northerly line of Woodstock and McGraw's land, until it comes to the centre of the Southern Westchester turnpike road; thence northerly along the centre of said road, to the drawbridge over West Farms creek, the point and place of beginning, is hereby declared to be the corporate limits of the West Farms fire district.

Members of
corporation,
&c.

§ 2. All white male citizens of lawful age, residing within said corporate limits, shall be deemed members of the corporation or fire department, established and created by this act, and as such, shall be a body corporate, to be called and known as the "West Farms Fire Department, and shall have perpetual succession; and by that name be capable of suing, and being sued, in all courts and places, in all manner of actions; and also shall have power to take, hold and convey, any real or personal property, to an amount not exceeding five thousand dollars, for the purpose of procuring suitable fire engines, hooks and ladders, and all necessary hose, tools, and apparatus, and suitable reservoirs and cisterns, for the safety and preservation of the property within said fire district, from destruction by fire, and to provide suitable engine houses for the safety and protection of the fire engines, and other apparatus aforesaid, and other property belonging to the said fire department, and to procure suitable ground for the site or sites of said engine houses.

Trustees.

§ 3. Alexander Smith, Samuel M. Purdy, James P. Fitch, Benjamin U. Horton, and George W. Alexander, five freeholders, residing within said fire district, are hereby declared to be the trustees of the said fire department, and they and their successors, or a majority of the trustees at any time being, shall have full power, and it shall be their duty, to make and establish such by-laws, rules and regulations as they may, from time to time, deem proper, for the organization of one or more fire companies, for the prevention of fires, and the safety and protection of the property within said fire district, from any danger by fire, and also the time and manner of appointing firemen, not exceeding forty to each fire engine or hook and ladder company; to make and ordain such rules and regulations for the government of the persons appointed as firemen, and to prescribe and impose such fines and penalties as they may think proper, not exceeding fifty dollars for any one offence, upon such

persons as shall violate any ordinance or by-law that may be adopted for the government, protection and safety of any property, within said fire district, from destruction or danger by fire; and, also, such fines and penalties as they may think proper, not exceeding five dollars for each offence, ^{Penalties, &c.} upon any person or persons appointed as firemen aforesaid, for any violation of the rules and regulations that may be adopted, in manner aforesaid, for the government of any fire company that may be organized under this act, or accepted as a fire company by the said trustees, or a majority of them; and to call meetings of the members of the said fire department, from time to time, and whenever, in their judgment, or in the judgment of a majority of them, a meeting of the department may be necessary or proper, always giving at least five days notice in writing, by posting in five public places in the said fire district, of every meeting of the said department, at which appropriations or votes for the raising of money are to be made or taken, and generally to manage, control and regulate the affairs and property of said corporation for the purposes hereby established, and shall have power to appoint one of the legal voters of said fire district, collector of the moneys to be raised within the same for fire purposes, who shall hold such appointment for one year from the date thereof, and until another is appointed in his stead, unless sooner removed by the said trustees for cause; such collector shall, within ten days after receiving written notice of his appointment, and before entering upon the duties of his office, execute and deliver to the said trustees, a bond in such sum and with such sureties as the said trustees may require, conditioned for the faithful discharge of the duties of his office. And if such bond shall not be given within the time aforesaid, such office shall thereby become vacant, and said trustees shall thereupon make another appointment to supply such vacancy. The parties named in this section shall hold their offices as such trustees until the first annual election hereinafter provided for, and until their successors are chosen and qualified. The aforesaid trustees, and such as may thereafter be elected, shall not receive any pay or compensation for their services.

§ 4. All fines and penalties incurred by virtue of this act, may be recovered by the West Farms fire department, ^{Fines and penalties.} before any justice of the peace in the town of West Farms, or an adjoining town in the said county of Westchester, in

an action to be brought for that purpose, with costs of suit, in the same manner as in other actions before justices of the peace; all fines and penalties collected under this act, shall be applied for the purpose of procuring and keeping in repair the property of the said fire department, authorized to be procured by this act.

First annual
meeting, &c.

§ 5. The first annual meeting for the election of trustees of said fire department, shall be held at such time and place, on the first Tuesday of October, in the year eighteen hundred and fifty-eight, and within the said fire district, as shall be designated by the trustees herein named; notices of each election shall be posted in five public places in the said fire district, at least five days before said election; the trustees so elected, and such as may thereafter be elected, shall hold their office for the term of one year, and until others are chosen, and shall qualify, by filing in the office of the clerk of Westchester county, a consent in writing, to act as such trustees respectively; there shall be five trustees elected by ballot at each annual meeting, and at the first and each succeeding annual meeting, the time and place of holding the next annual meeting shall be fixed; whenever the time for holding any annual meeting shall pass without such election being held, a special meeting shall be notified in the manner aforesaid, by any justice of the peace of the town of West Farms, upon the written application of three residents of the said fire district, within twenty days thereafter, for the election of such trustees, and the officers chosen at such meeting, shall hold their offices until the time for holding the next regular annual meeting, as hereinbefore provided.

Engine.

§ 6. The fire engine companies now organized and existing in the said fire district of the said town of West Farms, may be accepted by the trustees of the said fire department, as and for the fire engine companies which the said trustees are authorized by this act to appoint and organize, and the property belonging to the said companies of firemen now organized in said fire district of said town of West Farms, upon the consent of the said fire company or companies, by resolution, shall be deemed vested in the corporation hereby created, upon the said department paying and satisfying the claims against said fire companies, on account of their fire engines or apparatus, in the manner prescribed in the two following sections of this act, and it shall be lawful for the trustees of the said fire department to receive from any as-

sociation or individual, any property for the purpose of enabling them to carry out the objects of this act, and all property thus vested, accepted and acquired, under this act, shall be deemed to belong to the West Farms fire department, and shall be under the control and direction of the said trustees.

§ 7. The members of said fire department, when lawfully assembled at any meeting called by the trustees, or at any annual meeting, shall have power, by a majority of the votes of those present:

Members of
department,
powers of.

1. To appoint a chairman for the time being.

2. To adjourn from time to time, as occasion may require.

3. To choose a trustee or trustees to fill any vacancy or vacancies.

4. At any annual meeting to authorize the trustees to levy, assess and collect such sum of money as may be deemed necessary for the purchase of fire engine or fire engines, hooks and ladders, hose, and all other suitable implements and apparatus, and for the purchase of a site or sites (not exceeding three), for engine houses, and to enable them to build or purchase an engine house or houses, and keep the same in repair, and to build and provide reservoirs and cisterns, or to enable them to carry out any of the provisions of this act.

Money to be
raised to
purchase
fire engine.

§ 8. The trustees shall, once in each year, and within twenty days after such annual meeting, make out a tax list and assessment roll, to be based upon the last assessment roll of the town of West Farms, as far as the same shall apply to property embraced within said fire district, and also make out a warrant for the collection of said tax, so voted as aforesaid, returnable at the expiration of ninety days from the delivery of the same to the collector of said fire district within twenty-five days from the time of such vote; and it shall be the duty of every public officer of the said town, in whose possession the assessment roll of said town may be, to permit the said trustees, upon demand, to use the said assessment roll of the said town, for the purposes of preparing the assessment roll and tax list in this section directed to be prepared by them; and it shall be the duty of the collector of the said fire department to collect the said tax from the taxable inhabitants of the said fire district, in the same manner as the taxes of said town are now by law authorized to be collected by collectors elected by the several towns in this state, and such collector shall

Tax list, &c.

possess all the powers of town collector, elected as aforesaid; and said collector may receive and collect, in addition to the sum authorized to be collected by him, as aforesaid, the sum of five cents on each dollar so collected by him, under the warrant of said trustees, as and for his fees. The acts herein directed to be performed by the trustees may be performed by a majority of them.

Duties of trustees.

§ 9. It shall be the duty of the said trustees, or a majority of them, to prepare a statement of the sums necessary to be raised for the expenses of said department, and to present the same at each annual meeting, for the consideration and approval of the said department.

Firemen exempt, &c.

§ 10. The members of any fire company, organized or appointed under this act, shall be exempt from the performance of militia duty, except in cases of insurrection or invasion, and from the performance of jury duty, in any court within the county of Westchester; and any member of said company, after seven years' service therein, shall be forever thereafter exempt from the performance of jury duty and of militia duty, except in case of insurrection or invasion; and the certificate, signed by the trustees of the fire department, or a majority of them, shall be conclusive evidence, in all cases, that the person named therein is, or has been, a member of the said company, for the period therein stated; and the time that any person has served in either of the first companies now organized and existing in this fire district, shall be taken and allowed as so much of the seven years mentioned in this act.

By-laws.

§ 11. Each fire company shall have the privilege of making such by-laws for their own government as they may deem proper, provided they do not conflict with the by-laws, rules and regulations made by the trustees of the fire department.

General powers of a corporation.

§ 12. The said West Farms fire department, shall possess the general powers of a corporation, as defined and limited in title three of the eighteenth chapter of part first of the revised statutes of this state, and shall also be subject to the provisions contained in that chapter, so far as they may be applicable to the said department and the organization thereof, and so far as the same are not inconsistent with the provisions of this act.

§ 13. This act shall take effect immediately.

Chap. 300.

AN ACT to amend the act entitled "An act to authorize the appointment of Commissioners to appraise lands to be taken for the Lake Ontario, Auburn and New York Railroad Company, and to define the time within which said company shall be required to complete their road," passed April 13, 1857.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the said act is hereby amended so as to read as follows:

§ 1. In case the Lake Ontario, Auburn and New York railroad company, which was organized in the year one thousand eight hundred and fifty-six, shall be unable to agree with the owners thereof, for the purchase of any real estate required for any of the purposes of its incorporation, it shall have the right to acquire title to the same, in the manner and by the special proceedings prescribed by law, in relation to railroad companies, whenever, in addition to what has already been expended upon said railroad, at least the sum of two thousand two hundred dollars, for every mile of its railroad proposed to be constructed, shall have been in good faith subscribed to the capital stock of said company, and ten per cent thereon shall have been paid in cash to the directors or treasurer thereof.

This shall not apply, however, to that division of their railroad, situate, lying and being, between its northern terminus at Fair Haven, in the town of Sterling, and the city of Auburn, both in the county of Cayuga, upon which said division said railroad company shall have the right to acquire title as aforesaid, whenever in addition to what has already been expended upon said railroad, at least the sum of fifteen hundred dollars, for every mile of its railroad, proposed to be constructed, shall have been in good faith

subscribed, to the capital stock of said company, and ten per cent thereon, shall have been paid in cash to the directors or treasurer thereof.

§ 2. This act shall take effect immediately.

Chap. 301.

AN ACT to authorize the stockholders of the Burlington and Utica plank road to sell and convey a part of their road.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The stockholders of the Burlington and Utica plank road, are hereby authorized to sell and convey any portion of their road.

§ 2. This act shall take effect immediately.

Chap. 302.

AN ACT to change the name of the benevolent association known as "The Fire Department of the city of Utica."

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of the corporation created by the act entitled "An act to incorporate the firemen of the city

of Utica as a benevolent association," passed April second, eighteen hundred and fifty-two, is hereby changed from that of "The Fire Department of the city of Utica," to that of "The Firemen's Benevolent Association of the city of Utica," by which title it shall henceforth be designated and known; but such change of name shall not affect any rights, proceedings, or causes in action, existing in behalf of or against such corporation prior to such change of name.

§ 2. This act shall take effect immediately.

Chap. 303.

AN ACT to authorize the laying of a Railroad track in Broadway and through certain other streets in the city of Brooklyn, and New Lots in the county of Kings.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. It shall be lawful for Augustus Ivans, and those who may be now or hereafter associated with him, provided they shall organize as a company pursuant to the sixth section of this act, and their successors, to lay a double railroad track in the street known as Broadway and Division avenue in the city of Brooklyn, from its intersection with First-street, thence through said Broadway to Alabama avenue, in East New York, in said county of Kings, and a single track through Alabama avenue to Atlantic avenue, and through Atlantic avenue to Georgia avenue, and through Georgia avenue to and across Jamaica turnpike; also a single track through South Sixth and South Seventh streets to First street, thence through First street to intersection with Broadway, with the privilege to lay tracks for the necessary turn-outs.

§ 2. The tracks shall be laid with grooved rail, flush with the surface of the streets, and shall conform to the grade of

the streets as the same is now or shall be from time to time established or altered.

Street to be
kept in re-
pair.

§ 3. The said company hereby authorized to be formed shall keep the surface of the streets inside of the rails, and for two feet outside thereof, in good repair, and may run cars of said road, and may charge and collect a fare not to exceed five cents for each passenger over twelve years of age, under twelve and over two years, three cents, under two years without charge, for any distance ridden on said road; but no car shall be run on said road unless drawn solely by horses, and shall be run as often as the public convenience may require, and be subject to such rules and regulations in respect thereto as the common council of the city of Brooklyn may from time to time by ordinance prescribe, and to the payment to the city of the same license fee annually, for each car run thereon, as is now paid by other city railroads in said city.

May run
over track
of Brooklyn
city rail-
road.

§ 4. In the construction, operation or use of such railroad, should such company deem it necessary or proper to run upon, intersect or use any part or portion of other city railroad tracks now laid upon any of the streets or avenues above named, they are hereby authorized to run upon, intersect or use the same, provided that the cars of the company, hereby created, in passing over the track of the Brooklyn city railroad, shall not stop upon said track except to receive and let out passengers, which shall be done with as much rapidity as it can be done for the safety of passengers leaving or entering the cars of the road hereby created, and so as not to interrupt or delay the passage of the cars of the Brooklyn city railroad company upon said track; and the said corporation, hereby created, shall also make all the necessary turn-outs for going upon and leaving the said track of the Brooklyn city railroad company, and shall keep constantly at each of such turn-outs, at the expense of the said corporation hereby created, a competent and efficient man, to each of such turn-outs, who shall so regulate such turn-outs as to allow at all times the ready, free and safe passage of the cars of said Brooklyn city railroad company's cars along their said track, and shall keep the said track, and the said turn-outs, at all times, in good and sufficient condition and repair, and shall also run their cars in the same direction along the said track, as the said Brooklyn city railroad company run their cars over their said road; and in case they can not agree with the owner or owners

Turn-outs.

thereof respecting the compensation or payment to be made therefor, then the amount of such compensation or payment shall be ascertained and determined in the manner provided by subdivision six of the twenty-eighth section of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty.

§ 5. The said railroad shall be completed within eighteen months from the passage of this act, and the capital shall be taxed in the city of Brooklyn, and the cars shall be licensed and pay a licensed fee, and be subject to police and municipal control, as provided in respect to other city railroads in said city. When to be completed.

§ 6. It shall be lawful for said Augustus Ivans solely or with his associates, to organize under an act of the legislature entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, and in the event of such organization all the provisions of said last mentioned act, except the number of persons designated in the first section thereof, shall apply to the said grantee and his associates, also except the provision of section twenty-seven of said act. To organize corporation.

§ 7. The said company shall have power to issue their bonds or obligations for the constructing, equipping and running said road, to the amount of one-half of the capital stock necessary for such purposes, in which case each stockholder shall be personally liable for the payment of such bonds or obligations. Bonds and obligations.

§ 8. The said company shall not construct said railroads until a majority of the owners of the property located on the line of said railroads named in the first section of this act shall sign a petition to the common council of the city of Brooklyn in favor of such construction. Evidence of such majority shall be ascertained by reference to the assessors' list of owners of such property in the tax roll levied for the general tax in the year eighteen hundred and fifty-seven.

§ 9. All laws and parts of laws conflicting with this act are hereby repealed.

§ 10. This act shall take effect immediately.

Chap. 304.

AN ACT to incorporate the Income Insurance Company, in the city of New York, and to authorize an Accumulating Fund.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body corporate.

SECTION 1. John R. Livingston, Abel T. Anderson, James De Peyster Ogden, J. Romeyn Broadhead, Morris Franklin, Pendleton Hosack, Thomas G. Talmage, James W. Barker, Dayton Hobart, Charles H. Haswell, William C. Langley, Joseph B. Varnum, Edward L. Livingston, William Cox Dusenbery, Ovando S. X. Peck, Augustus Clason Graham, James Bleecker, Thomas Stewart, John F. Entz, Edmund Dwight, and all such persons as shall hereafter become stockholders in the corporation hereby created, shall be a body corporate by the name of "The Income Insurance Company;" the persons named above shall be the first directors of said corporation.

Directors to divide.

§ 2. The directors shall, at their first meeting, divide themselves by lot into four classes of five each. The term of the first class shall expire at the end of one year; the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three years; the term of the fourth class shall expire at the end of four years, and so on successively for each and every year. The seat of these classes shall be filled by the stockholders of this corporation, a plurality of votes constituting a choice. The election of trustees shall be held on the first Monday of May in each year, at such hour and place in the city of New York, as the board of directors may determine, of which public notice shall be given in two of the daily papers of the city of New York, for ten days previous to the said election.

Election of trustees.

President and Secretary.

§ 3. The directors hereinbefore named are authorized to choose a president, a secretary, an actuary, and such other officers, clerks or agents, as may be necessary to perform the

duties incident to this corporation; and in case of a vacancy in any of such offices or directors, such vacancy may be filled for the remainder of the year, by the residue of the directors, or a president "pro tempore" may be appointed.

§ 4. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of ten dollars each, which shall be subscribed and paid for in specie, or current bank bills of this state, or secured by the public securities, created by the corporation of the city of New York, the state of New York, or any other state, or by the United States, or any incorporated bank of this state, or secured on bond and mortgage on real estate, worth fifty per cent more than the sum for which the same shall be mortgaged, exclusive of buildings, except the same shall be insured; with the privilege of increasing said capital stock to a sum not exceeding five hundred thousand dollars.

Capital stock, &c.

§ 5. The books of subscription of the capital stock of the said corporation, shall be opened under the inspection of the said directors, or any two or more of them, for receiving such subscriptions, in the city of New York, at such time and place as they shall appoint, and may be continued from time to time until the said capital stock shall be subscribed for; one week's previous notice of such time and place being given, in one or more of the newspapers printed in the said city. Two dollars on each share subscribed, shall be paid at the time of making the subscription.

Books of subscription

§ 6. In addition to the general powers and privileges of a corporation, as the same are declared by the third title of the eighteenth chapter of the first part of the revised statutes, the corporation hereby created shall have power and authority to make insurance, on the payment of rents accruing or to accrue, from the leasing or letting or hiring of real or leasehold estate, and the use and occupation thereof, and to make all and every insurance or guarantee appertaining to the rents, profits or income as aforesaid; and to let or relet any premises, the rent or income whereof may have been insured according to the provisions of this act; and also to insure or guarantee the prompt and punctual payment of interest on bonds secured by mortgage or otherwise, according to the condition thereof. The policies of insurance shall be subscribed by the president and secretary, and shall be binding upon said corporation in like manner as if made under its corporate seal.

Power to make insurance, &c.

Classes to
receive sub-
scription.

§ 7. The corporation hereby created, in addition to the powers enumerated in the preceding section, shall have authority to form classes and receive subscriptions to a fund, to be called the "accumulating fund," whereby the amounts paid in, together with the stipulated interest thereon, shall, after the termination of a certain number of years (not to exceed twenty), as may be agreed upon, be paid over in equal proportions, to the surviving subscribers to such fund; or the interest thereon may be paid semi-annually, or as may be agreed; and in all cases, said company shall invest the amount of such fund in bonds, secured by mortgage on improved unincumbered real estate, worth not less than fifty per cent over and above the amount loaned or in public stocks, created by the United States, the state of New York, or the corporation of the city of New York, or of any one of the United States, which security shall be described in a schedule to be annexed to the articles of agreement, duly certified by the president of the said company.

Real estate

§ 8. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

1. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business, and they may let such parts thereof as may not be required for their own use or occupation.

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for moneys due.

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4. Such as shall have been purchased at sales upon judgments, decrees, or mortgages, obtained or made for such debts.

§ 9. The office for the transaction of the business of the said corporation shall be in the city of New York.

§ 10. It shall be the duty of the president and secretary of the said corporation, in the month of January of each year, to make a full report of the condition of the said corporation, showing the amount of capital stock paid in, and the manner in which it is invested or secured, and also,

1. The amount of premiums received.

2. The amount of the expenses.

3. The amount of losses.

4. The condition of the "accumulating fund" and the securities for the same.

5. The balance remaining with the said company.

6. The nature of the security on which the same is invested or loaned, and the amount of cash on hand. The said company shall also make and transmit to the comptroller of the state, in the month of January in each year, a full statement of its affairs, in the same manner as moneyed corporations are required to do, under the second title of the eighteenth chapter of the first part of the revised statutes.

§ 11. The corporation hereby created shall be authorized to commence business so soon as the president and secretary shall have made and filed an affidavit, stating that fifty per cent of the capital stock of the said corporation has been paid in cash, which affidavit shall be made before the mayor or recorder of the city of New York, and filed with the county clerk in said city. President,
&c., to file
affidavit.

§ 12. The legislature may at any time alter or repeal this act.

§ 13. This act shall take effect immediately.

Chap. 305.

AN ACT to enable the Supervisors of the city and county of New York to raise money by Tax.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the city and county of New York, are hereby empowered, as soon as conveniently may be, after the passage of this act, to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law, a sum not exceeding three million four hundred and forty-one thousand and ninety-five dollars, for the objects and purposes following, to wit:

Alms house, six hundred and five thousand dollars; aqueduct repairs and improvements, twenty thousand dollars; board of health, ten thousand dollars; pavement, two hundred and thirty-two thousand dollars; county contingencies, fifty thousand dollars; city contingencies, eighty thousand dollars; city inspector's department, eleven thousand eight hundred and seventy-five dollars; coroners' fees, twenty thousand dollars; cleaning streets, by contract, two hundred and eighty thousand dollars; charges on arrears of taxes, five thousand dollars; charges on arrears of assessments, five thousand dollars; county jail reconstruction, twenty-five thousand dollars; contingencies, mayor's office, three thousand dollars; donations, fifteen thousand dollars; docks and piers, building and repairing and cleaning and dredging slips, one hundred and fifty thousand dollars; election expenses, fifty thousand dollars; errors and delinquencies, five thousand dollars; fire telegraph, six thousand four hundred dollars; fire department, sixty-two thousand five hundred dollars; interest on revenue bonds, three hundred and twenty-five thousand dollars; interest on assessment bonds, eleven thousand dollars; intestate estates, seven thousand dollars; lands and places, twenty-five thousand dollars; monument to Major General Worth, and rail, ten thousand dollars; markets, seven thousand dollars; officers' fees, twenty-five thousand dollars; obstructions, removal of, in streets and harbor, ten thousand dollars; printing, eighty-five thousand dollars; rents, thirty thousand dollars; real estate, thirty-three thousand five hundred dollars; real estate expenses, one hundred thousand dollars; roads and avenues, and arrearages of eighteen hundred and fifty-seven, fifty thousand dollars; roads, macadamizing Second avenue, above Sixty-first street, fifty thousand dollars; working as a country road the Eleventh avenue, between One Hundred and Seventh and One Hundred and Forty-fourth streets, twenty thousand dollars; repairs to public buildings, including new buildings and buildings for fire department, eighty-three thousand dollars; Russ pavement improvement, twenty-six thousand dollars; supplies for public offices, fifteen thousand dollars; stationery, twenty thousand dollars; sewers, repairing and cleaning, thirty-five thousand dollars; salaries, five hundred and eighty-four thousand four hundred and ninety dollars; sunken vessels, removing, five thousand dollars; street expenses and paving, ninety thousand dollars; society for the reformation of juvenile delinquents, eight

thousand dollars; Tompkins square, railing, twenty thousand dollars; twenty-second ward station house, twelve thousand dollars; wells and pumps, repairing and cleaning, one thousand seven hundred dollars; water pipes and laying, one hundred and sixteen thousand six hundred and thirty dollars; and for such other expenses as the mayor, aldermen and commonalty of the city of New York may be put to by law, such portion of the expenses of the said city and county of New York as relates to repairing, repaving and cleaning streets, in that part of the city lying south of a line running through to the centre of Forty-second street, shall be assessed only on that part of the said city lying south of the said line.

And also, a further sum not exceeding eight hundred and eighty-eight thousand five hundred and forty-eight dollars and sixty cents, by tax, on the estates, real and personal, subject to taxation according to law, within the said city and county, to be collected according to law, to be applied toward defraying the expenses of police, in said city and county.

And also, a further sum of four hundred and sixty thousand six hundred and thirty-four dollars, by tax, on the estates, real and personal, subject to taxation according to law, within that part of the city and county of New York which is or may be designated by the common council of the city of New York, by resolution or ordinance, as the lamp district, to be collected according to law, and applied toward the expense of lighting such part of the city last mentioned.

And also, a further sum of five hundred and ninety-three thousand nine hundred and sixty-six dollars and nineteen cents, by tax, on the estates, real and personal, subject to taxation according to law, within the said city and county, to be collected according to law, and applied toward defraying the deficiency on taxation in said city and county, for the year one thousand eight hundred and fifty-seven.

And also, the further sum of two hundred and fifty dollars, by tax, on the estates, real and personal, subject to taxation according to law, within said city and county, and to be collected according to law, to be applied to the payment for a set of plans furnished by Ira Buckman, Junior, for a fire lookout on the city Hall.

And also, the further sum of one hundred thousand dollars, by tax, on the estates, real and personal, subject to

taxation according to law within the said city and county, and to be collected according to law, to be applied to the erection of a building on Blackwell's island, to be used as a hospital, said building to be erected under the control and direction of the "Board of Ten Governors" of the almshouse.

And also, the further sum of thirty-eight thousand two hundred and seventy-eight dollars and ninety-five cents, by tax, on the estates, real and personal, subject to taxation according to law within the said city and county, and to be collected according to law, to be applied towards defraying the salaries of Daniel D. Connover, who has executed the office of street commissioner in said city, the deputy street commissioner, the heads of bureaux, clerks and other employees of said Connover.

And also, the further sum of thirteen thousand eight hundred dollars, towards defraying the expenses incurred by said Connover in various proceedings at law. The comptroller of said city shall draw his warrant in favor of said Connover, to pay himself, and each and all of his subordinates, for salaries, upon the sworn certificate of said Connover of the time and employment by himself and each of his employees. The comptroller shall also draw his warrant in favor of said Connover for said further sum of thirteen thousand eight hundred dollars, to reimburse him for legal expenses incurred in the various proceedings at law arising out of the controversy relating to the street department.

And also, the further sum of sixteen thousand five hundred and fifty dollars, by tax, on the estates, real and personal, subject to taxation according to law, within the said city and county, and to be collected according to law, to be applied towards defraying the expenses incurred by the board of police for the metropolitan police district, in various proceedings at law, and the said sum to be disbursed upon the order and receipt of the treasurer of the said board of police.

§ 2. No portion of said respective sums hereinbefore named, shall be expended or applied to any other purposes or objects than said objects and purposes respectively, for which the board of supervisors of said city and county of New York are hereinbefore empowered to raise the same as aforesaid.

§ 3. This act shall take effect immediately.

Chap. 306.

AN ACT to amend certain sections of the Code of Procedure.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirteen of the code of procedure as amended by chapter three hundred and ninety-two of the laws of eighteen hundred and fifty-two, is hereby amended by adding thereto the following words: "On a second and each subsequent appeal to the court of appeals, the cause shall be placed upon the calendar as of the time of filing the return on the first appeal." ^{§ 13 amended.}

§ 2. The first paragraph of section fifty-six of the code of procedure as amended by chapter four hundred and seventy-nine, of the laws of eighteen hundred and fifty-one, is hereby amended so as to read as follows: ^{§ 56 amended.}

§ 56. At the time of answering, the defendant shall deliver to the justice a written undertaking, executed by at least one sufficient surety, and approved by the justice, to the effect, that if the plaintiff shall within twenty days thereafter deposit with the justice a summons and complaint in an action in the supreme court for the same cause, the defendant will, within twenty days after such deposit, give an admission in writing of the service thereof. ^{Defendant to deliver to justice, &c.}

§ 3. Sections fifty-seven, sixty, sixty-one and sixty-two, of the code of procedure as amended by chapter four hundred and seventy-nine, of the laws of eighteen hundred and fifty-one, are hereby amended by striking out the words "county court," whenever they occur in these sections, and substituting "supreme court" therefor. ^{§ 57, 60, 61 and 62 amended.}

§ 4. Section one hundred and thirty-two of the code of procedure as amended by chapter seven hundred and twenty-three, of the laws of eighteen hundred and fifty-seven, is hereby amended by adding thereto the following words, "and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded, shall be deemed a subsequent purchaser or incumbrancer, and shall be bound by all" ^{§ 132 amended.}

proceedings taken after the filing of such notice to the same extent as if he were made a party to the action.

Sub. 3, § 136
amended.

§ 5. Subdivision three of section one hundred and thirty-five of the code of procedure, as amended by chapter four hundred and seventy-nine, of the laws of eighteen hundred and fifty-one, is hereby amended so as to read as follows:

3. Where he is not a resident of this state, but has property therein, and the court has jurisdiction of the subject of the action.

§ 204 amend-
ed.

§ 6. Section two hundred and four of the code of procedure is hereby amended so as to read as follows:

Defendant
arrested, &c.

§ 204. A defendant arrested, may at any time before judgment apply on motion to vacate the order of arrest, or to reduce the amount of bail.

Sub. 1 of §
246 amend-
ed.

§ 7. Subdivision one, of section two hundred and forty-six of the code of procedure, as amended by chapter four hundred and thirty-eight of the laws of eighteen hundred and forty-nine, is hereby amended by adding at the end thereof the following words: "Where the defendant by his answer in any such action shall not deny the plaintiff's claim, but shall set up a counter-claim amounting to less than the plaintiff's claim, judgment may be had by the plaintiff for the excess of said claim, over the said counter-claim, in like manner in any such action, upon the plaintiff's filing with the clerk of the court a statement admitting such counter-claim, which statement shall be annexed to and be a part of the judgment roll."

§ 256 amend-
ed.

§ 8. Section two hundred and fifty-six of the code of procedure is hereby amended so as to read as follows:

Notice of
trial.

§ 256. At any time after issue, and at least ten days before the court, either party may give notice of trial. The party giving the notice, shall furnish the clerk at least eight days before the court, with a note of the issue containing the title of the action, the names of the attorneys, and the time when the last pleading was served, and the clerk shall thereupon enter the cause upon the calendar, according to the date of the issue.

§ 264 amend-
ed.

§ 9. Section two hundred and eighty-four of the code of procedure, as amended by chapter four hundred and seventy-nine of the laws of eighteen hundred and fifty-one, is hereby amended by adding at the end of the first paragraph the following words: "But the leave shall not be necessary when execution has been issued on the judgment within the five years, and returned unsatisfied in whole or in part."

When exe-
cution has
been issued.

§ 10. Section two hundred and ninety-two of the code of ^{§ 292 amend-} procedure, as amended by chapter four hundred and seventy-nine of the laws of eighteen hundred and fifty-one, is hereby amended by adding after the words "where he resides," the words, "or has a place of business."

§ 11. Subdivisions five, six and seven of section three ^{Sub. § 6 and} hundred and seven of the code of procedure, as amended by ^{7, § 307} chapter seven hundred and twenty-three of the laws of eighteen hundred and fifty-seven, are hereby amended so as to read as follows:

5. To either party on appeal, except to the court of ap- ^{Parties on} peals, and except appeals in the cases mentioned in section ^{appeal, &c.} three hundred and forty-nine, before argument fifteen dollars; for argument thirty dollars; and the same costs shall be allowed to either party before argument, and for argument, on application for judgment, upon special verdict or upon verdict subject to the opinion of the court, as for a new trial on a case made, and in cases where exceptions are ordered to be heard, in the first instance at a general term, under the provisions of section two hundred and sixty-five.

6. To either party on appeal to the court of appeals, before ^{Ibid.} argument, twenty-five dollars; for argument fifty dollars; and when a judgment is affirmed the court may, in its discretion, also award damages for the delay, not exceeding ten per cent upon the amount of the judgment.

7. To either party, for every circuit or term not exceed- ^{Ibid.} ing five circuits, and five special, and five general terms, at which the cause is necessarily on the calendar, and is not reached or postponed, ten dollars.

§ 12. Section three hundred and nine, of the code of pro- ^{§ 309 amend-} cedure, as amended by chapter seven hundred and twenty-three, of the laws of eighteen hundred and fifty-seven, is hereby amended by adding thereto the following: "In ^{In difficult} difficult and extraordinary cases, when a trial has been had, ^{and extra-} and in any of the actions or proceedings specified in section ^{ordinary} three hundred and eight, the court may, also, in its discretion, make a further allowance to any party, not exceeding five per cent, upon the amount of the recovery or claim, or subject matter involved."

§ 13. Section three hundred and twenty-eight, of the ^{§ 328 amend-} code of procedure, is hereby amended so as to read as ^{ed.} follows:

Upon cer-
tain appeals
&c.

§ 328. Upon the appeal allowed by the second and third chapters of this title being perfected, the clerk with whom the notice of appeal is filed, shall, at the expense of the appellant, forthwith transmit to the appellate court a certified copy of the notice of appeal and of the judgment roll, or, if the appeal be from an order or any part thereof, a certified copy of such order and of the papers upon which the order was granted.

§ 331 amend-
ed.

§ 14. Section three hundred and thirty-one, of the code of procedure, as amended by chapter seven hundred and twenty-three, of the laws of eighteen hundred and fifty-seven, is amended so as to read as follows:

Appeal to
court of ap-
peals.

§ 331. The appeal to the court of appeals under subdivision two, of section eleven of this code, must be taken within sixty days after written notice of the order shall have been given to the party appealing; every other appeal allowed by the second and third chapters of this title, must be taken within two years after the judgment shall be perfected, by filing the judgment roll.

§ 344 amend-
ed.

§ 15. Section three hundred and forty-four of the code of procedure is hereby amended so as to read as follows:

Appeal to
supreme
court.

§ 344. An appeal may be taken to the supreme court, from the judgment rendered by a county court or by the mayor's courts, or the recorder's courts of cities.

§ 354 amend-
ed.

§ 16. Section three hundred and fifty-four, of the code of procedure, as amended by chapter seven hundred and twenty-three, of the laws of eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Notice of
appeal.

§ 354. The notice of appeal must, within the same time, be served on the justice, personally, if living and within the county, or on his clerk if there be one, and on the respondent, personally, or by leaving it at his residence, with some person of suitable age and discretion; or in case the respondent is not a resident of such county, or can not, after due diligence, be found therein, in the same manner, on the attorney or agent, if any, who is a resident of such county, who appeared for the respondent on the trial; and if neither the respondent nor such agent or attorney can be found in the county, the notice may be served on the respondent by leaving it with the clerk of the appellate court, and the appellant must, at the time of the service of the notice of appeal on the justice, or on his clerk, as herein provided, (except in cases of appeals from the district courts in the

city of New York, and the general term of the marine court of the city of New York), pay to such justice or clerk, the costs of the action, included in the judgment, together with two dollars, costs of the return, which shall be included in the judgments for costs on reversal. In all cases of appeal from the general term of the marine court of the city of New York, and from the district courts of the city of New York, to the court of common pleas, for the city and county of New York, the appellant shall, at the time of the service of the notice of appeal, pay to the clerk of the marine court, or to the justice or clerk of the district court, two dollars, as costs of the return to such court of common pleas, which costs so paid, shall be included in the judgment for costs, in case the judgment of the court below shall be reversed; and the appellant shall also execute, on the appeal, a written undertaking on his part, with one or more sufficient sureties, to the effect that the appellant will pay all costs, disbursements, and extra costs, awarded against him in the court below, if such judgment shall be affirmed by the appellate court, on such appeal, together with all costs and damages which may be awarded against him thereon; such sureties to justify in double the amount specified in the undertaking; such undertaking and the sufficiency of the sureties to be approved by the justice of the court below, or one of the judges of the court of common pleas, or the appellant may deposit with the clerk of the court of common pleas, the costs, disbursements and extra costs, included in the judgment in the court below, and the sum of fifteen dollars, to meet any costs that may be awarded against him in such appeal; and such appeal from the general term of the marine court and the district court, shall be ineffectual unless within the time specified for bringing the appeal, the appellant execute such undertaking or make such deposit; the undertaking, when executed and approved, to be filed with the clerk of the court of common pleas; the amount so deposited shall be repaid by said clerk, to the appellant, if he succeed on the appeal; and in case the judgment be affirmed, the said clerk shall, after execution is issued, pay over the amount so deposited, to the respondent, which shall be credited on the execution issued on the judgment of affirmance, to the extent thereof, and the balance, if any, on the execution issued on the judgment appealed from.

Costs of action.

Appeals from general term of marine court of New York.

Appeal, &c.

§ 17. Section three hundred and ninety-nine of the code ; 399 amended. of procedure, as amended by chapter three hundred fifty-

three of the laws of eighteen hundred and fifty-seven, is hereby amended as follows:

Ten days' notice.

By inserting after the words "ten days' notice" whenever they occur in said section, the words following: "if the action be in a court of record, and in all other cases, four days' notice."

Sub. 3, 4 and 5, § 401 amended.

§ 18. Subdivision three, four and five, of section four hundred and one, of the code of procedure, as amended by chapter three hundred and ninety-two, of the laws of eighteen hundred and fifty-two, is hereby amended so as to read as follows:

Orders made by court.

3. Orders made out of court, without notice, may be made by any judge of the court, in any part of the state; and they may also be made by a county judge of the county where the action is triable, except to stay proceedings after verdict.

Motions upon notice, &c.

4. Motions upon notice must be made within the district in which the action is triable, or in a country* adjoining that in which it is triable, except that where the action is triable in the first judicial district, the motion must be made therein, and no motion upon notice can be made in the first judicial district, in an action triable elsewhere.

Motion to vacate, &c.

5. In all the districts, a motion to vacate or modify a provisional remedy and an appeal from an order allowing a provisional remedy, shall have preference over all other motions.

§ 460 amended.

§ 19. Section four hundred and sixty of the code of procedure, as amended by chapter three hundred and ninety-two, of the laws of eighteen hundred and fifty-two, is hereby amended by striking out the word "section," and inserting in place thereof the word "provision," and by adding at the end of the section the following words:

Appeals to court of appeals.

"In all cases of appeal to the court of appeals, in actions which were originally commenced in the late court of chancery of this state, the court of appeals shall review the cause upon the facts and the law, without any statement or specification of facts found, or any exception taken, at the trial of any or either of them. And it shall be, and is hereby declared to be the duty of the court of appeals, in any and all such cases, to review the whole matter upon the evidence as well as the law."

§ 244 amended.

§ 20. Section two hundred and forty-four of the code of procedure, is hereby amended by adding to the fourth sub-

* So in the original.

division the words: "and in like cases of the property within this state of foreign corporations."

§ 21. Subdivision one of the said section, is amended by adding thereto as follows: "except in cases where judgment upon failure to answer may be had without application to the court."

Chap. 307.

AN ACT to provide for a report of the Canal Board, as to certain damages alleged to have been sustained by Winchester R. Powell, John S. Gay, John P. Cowing, Calvin Hall, and William Arnett, at Seneca Falls.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby required to investigate the claims of Winchester R. Powell and John S. Gay, and John P. Cowing, Calvin Hall and William Arnett for alleged damages to their property at Seneca Falls, in Seneca county, occasioned by the breaking away of the cofferdam, in the Seneca river, and by the discharge of the water from the Cayuga and Seneca canal and the basin connected therewith, over the unfinished bank thereof, or spill way, near the premises of said claimants, on about the ninth day of November, eighteen hundred and fifty-seven, and made a final report of the facts in the case to the canal board; and the said board shall review the facts so reported, and if in their opinion the state is liable for such damages, they shall report that fact, with the evidence on which it is founded, to the next legislature, together with the estimate of the damages which they have sustained.

§ 2. This act shall take effect immediately.

Chap. 308.

AN ACT to authorize the appointment of Commissioners to take the proof and acknowledgment of deeds, and other instruments, and to administer oaths in Great Britain and France.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners, how
appointed.

SECTION 1. The governor of this state is hereby authorized to appoint and commission one or more, and not exceeding three commissioners, in each of the following cities: London, Liverpool and Glasgow in Great Britain, and Paris and Marseilles in France, who shall continue in office for four years, and until a successor shall be appointed, and shall have authority to take the acknowledgment or proof of the execution of any deed or written instrument to be recorded or read in evidence in this state, except bills of exchange, promissory notes, and last wills and testaments; and also to administer an oath or affirmation to any person or persons who may desire to take the same, and to certify the taking of such oath or affirmation, and also to certify the existence of any patent, record or other document, remaining of record in any public office or official custody in Great Britain or France and the correctness of a copy of any such patent, record or other document. The certificate of any one of such commissioners, under his official seal, and subscribed by him, in regard the acknowledgment or proof of the execution of any such deed or written instrument, or the taking of such oath or affirmation, or the existence or correctness of a copy of such patent, record or document when authenticated by the secretary of state, as hereinafter mentioned, shall have the same effect to authorize the recording or reading in evidence of such deed or written instrument, oath or affidavit, patent, record or document, as is given by law to like certificates made by justices of the supreme court of this state, or to

any certificate or exemplification by any office of this state of any patent, record or other document.

§ 2. Before any such deed or other instrument, oath or affidavit, patent, record or document, shall be entitled to be used, recorded, or read in evidence, in addition to the preceding requisites, there shall be subjoined or affixed to the certificate signed and sealed by such commissioner as aforesaid, a certificate under the hand and official seal of the secretary of state of this state, certifying that such commissioner was, at the time of taking such proof or acknowledgment, or of administering such oath or affirmation, duly authorized to take the same, and that the secretary is acquainted with the handwriting of such commissioner, or has compared the signature to such certificate with the signature of such commissioner deposited in his office, and has also compared the impression of the seal affixed to such certificate with the impression of the seal of such commissioner deposited in his office, and that he believes the signature and the impression of the seal of the said certificate to be genuine.

Certificate
of secretary
of state, &c.

§ 3. Every commissioner appointed by virtue of this act, before performing any duty or exercising any power in virtue of his appointment, shall take and subscribe an oath or affirmation before a person authorized to administer such oath or affirmation by the laws of this state, or before a judge or clerk of one of the courts of record of the kingdom or empire in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner under and by virtue of the laws of the state of New York; and shall also cause to be prepared an official seal, on which shall be designated his name, and the words "commissioner of deeds for the state of New York," with the name of the city for which he shall be appointed; and shall cause a distinct impression of such seal, taken upon wax or some other substance capable of receiving and retaining a clear impression, together with his signature, in his own proper writing, and the oath or affirmation above in this section mentioned, duly certified by the person before whom it may be taken, to be filed in the office of the secretary of this state.

Oath of
commissioner.

Seal of com-
missioner.

§ 4. As often as the term of office of any commissioner appointed by virtue of this act shall expire, or the office shall become vacant by the death, resignation, or removal from the city for which he was appointed, of such com-

Vacancy.

missioner, the governor shall have power to fill the office by new appointment, and the person so appointed shall, upon complying with the provisions of the third section of this act, hold his office by the tenure, and shall possess the powers specified in the first section of this act.

Fees for certificate of secretary of state.

§ 5. The secretary of state shall be entitled to demand and receive the sum of twenty-five cents for every certificate given by him in pursuance of the third section of this act.

Instructions

§ 6. It shall be the duty of the secretary of state to forward instructions and forms in accordance with the laws of this state, together with a copy of this act, to each person who shall be appointed a commissioner under and by virtue of this act.

Fees of commissioners.

§ 7. The fees of such commissioner for services under this act, shall be as follows: In Great Britain, for administering each oath and certifying the same, and for making each certificate attached to a patent, record or other document, one shilling sterling; in France one franc and twenty-five centimes. In Great Britain, for taking each acknowledgment or proof of any deed or written instrument to be recorded or read in evidence, four shillings sterling; in France five francs.

Papers may be used in evidence.

§ 8. A copy of any patent, record or other document, remaining of record in any public office of any foreign kingdom, state or country when certified according to the form in use in such kingdom, state or country, and also certified according to the first and second sections of this act, may be read in evidence in any of the courts of this state.

§ 9. The certificate of any one of said commissioners annexed to a paper purporting to be certified as in the last section provided, shall be presumptive evidence that it has been certified according to the form in use in such kingdom, state or country.

Chap. 309.

AN ACT to repeal an act entitled "An act to extend the time for the payment of taxes in the city of Albany," passed April seventh, eighteen hundred and fifty-eight.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to extend the time for the payment of taxes in the city of Albany," passed April seventh, eighteen hundred and fifty-eight, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 310.

AN ACT to amend the charter of the village of Dunkirk.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled "An act to amend an act to incorporate the village of Dunkirk, passed April fifteenth, eighteen hundred and fifty-two is hereby amended so as to read as follows:

§ 2. All that part of the town of Pomfret, in the county of Chautauque, which is contained within the following boundaries, to wit: beginning at the lake shore on the line of lots between lots seven and thirteen, in the sixth town-

ship and twelfth range of the Holland Land company's land, according to certain maps or surveys made for the proprietors by Joseph Elicott, and running south on said line between lots six and thirteen, and between five and twelve, and eighty rods between four and eleven; thence west parallel with and eighty rods south of the north line of lot eleven to the east line of lot seventeen; thence south on the west side of lot eleven, to the middle of lot sixteen; thence west along the middle of said lot sixteen, to the east line of lot twenty-two; thence north on the east line of said lot twenty-two, to the southeast corner of lot twenty-three; thence west on the south line of lot twenty-three, to the southeast corner of lot twenty-eight; thence north on the line between lots twenty-three and twenty-eight, to the northeast corner of lot twenty-eight; thence west on the north line of said lot twenty-eight, to the lake; bounded thence north by the north bounds of the said town of Pomfret, shall hereafter be known and distinguished by the name of "The village of Dunkirk;" and the inhabitants residing within said village are hereby constituted a body corporate, by the name of "The village of Dunkirk;" and shall have power in said corporate name to sue and be sued, and to take, hold, secure and convey any estate, real or personal, for the public use of said village, and to build, erect and repair any public buildings, grounds or works, for the like purpose.

Chap. 311.

AN ACT to amend the charter of the Harmony Fire Insurance Company of New York.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Harmony Fire Insurance Company are hereby authorized to make all and every Insurance apper-

taining to or connected with marine risks and risks of transportation and navigation, and shall hereafter be known by the name of the Harmony Fire and Marine Insurance Company, of New York.

§ 2. Nothing in this act contained shall in any way affect or impair any right or liability of the Harmony Fire Insurance Company, and they shall sue and be sued in their new corporate name.

§ 3. This act shall take effect immediately.

Chap. 312.

AN ACT to alter and amend "An act to confer certain powers upon the Trustees of the Rochester Home for the Friendless," passed March twenty-seventh, eighteen hundred and fifty-seven.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the act entitled "An act to confer certain powers upon the trustees of the Rochester Home for the Friendless," passed March twenty-seventh, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

§ 1. Whenever any child under the age of fourteen years shall have been committed to the care and custody of the Rochester Home for the Friendless, a corporation incorporated in the year eighteen hundred and fifty-five, under and by virtue of the act entitled "An act for the incorporation of benevolent, charitable and scientific and missionary societies," passed April twelfth, eighteen hundred and forty-eight, or to the managers thereof, as such, by either parent of such child, or by any superintendent or overseer of the poor, it shall be lawful for said corporation to bind out such

child to some suitable employment until such child shall attain the age of twenty-one years, if a male, and until such child shall attain the age of eighteen years, if a female; which binding shall be as effectual as if such child had bound itself with the consent of its parents or guardians.

Chap. 313.

AN ACT authorizing the trustees of the village of Catskill to permit the construction of gas works, and to loan the credit of the corporation for the same.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Pipes to be
laid.

SECTION 1. The trustees of the village of Catskill, in the county of Greene, and their successors in office, are hereby authorized to grant to any individual or individuals, the right to erect works for the manufacture of gas, and to lay the necessary pipes through the public grounds, streets and alleys of said village, for conveying said gas for the purpose of lighting the streets of said village, and for the use of its inhabitants, and for continuing the same upon such terms and conditions as such trustees, and their successors in office, may deem expedient.

Trustees to
loan money.

§ 2. The said trustees are hereby authorized to loan the credit of such village, on security by mortgage upon said gas works, pipes, fixtures and apparatus, accompanied with the bond of the owner or owners thereof, to the amount of six thousand dollars, in the manner and upon the conditions following, that is to say: when said gas works, pipes, fixtures and apparatus are erected, laid, completed and in operation, and shall be worth at least the sum of fifteen thousand dollars, the value of which is to be ascertained by said trustees, and the estimates of the same shall be filed with the clerk of said trustees, then, and in that case, the

said trustees, and their successors in office, are authorized and empowered to issue the bonds of said village of Catskill, under the corporate seal thereof, in such sums as said trustees shall determine, not to exceed the amount, in the aggregate, of six thousand dollars, with interest payable semi-annually, and one thousand dollars of the principal sum annually, and shall deliver said bonds to the owner or owners of said gas works, pipes, fixtures and apparatus, upon his or their executing and delivering to said trustees, for the benefit of said corporation, a mortgage upon said gas works, pipes fixtures and apparatus, to secure the payment of said sum of six thousand dollars, with interest semi-annually, and one thousand dollars of the principal sum annually, together with his or their bond for the payment of the same amount, with interest, and principal payable as specified in said mortgage; said bonds issued and delivered as aforesaid, shall be valid demands against the said village of Catskill. This mortgage shall be recorded in the clerk's office of Greene county, in the same manner as conveyances of real estate, and shall be a valid incumbrance upon said gas works, pipes, fixtures and apparatus, and after such recording, it shall not be affected by any subsequent transfer or incumbrance of said owner or owners.

§ 3. If said bond and mortgage, or any part thereof, shall remain unpaid after the same shall become payable according to the conditions thereof, the said trustees, and their successors in office, shall have power to enforce payment of the same according to law, and if after exhausting said security, and applying the avails thereof in payment of said bonds, any part of said bonds shall remain unpaid, such deficiency shall be collected by tax upon said village, in the same manner that other taxes are assessed and collected.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT to declare and extend the powers of executors, assignees, receivers and other trustees, and to protect the rights of creditors and others, against frauds, and for other purposes.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. That any executor, administrator, receiver, assignee, or other trustee of an estate, or the property and effects of an insolvent estate, corporation, association, partnership or individual, may for the benefit of creditors or others interested in the estate or property so held in trust, disaffirm, treat as void, and resist all acts done, transfers and agreements made, in fraud of the rights of any creditor, including themselves and others, interested in any estate or property held by or of right belonging to any such trustee or estate.

§ 2. That every person who shall, in fraud of the rights of creditors and others, have received, taken, or in any manner interfered with, the estate, property or effects of any deceased person, or insolvent corporation, association, partnership or individual, shall be liable in the proper action to the executors, administrators, receivers, or other trustees of such estate or property, for the same, or the value of any property or effects so received or taken, and for all damages caused by such acts to any such trust estate.

§ 3. That any endorser or other surety, and any assignee, executor, administrator, or other trustee, shall be entitled to and allowed to recover from his principal or cestique trust, all necessary and reasonable costs and expenses paid or incurred by him in good faith, as surety or trustee in the prosecution or defense in good faith of any action by or against any assignee, executor, administrator, or other trustee as such.

§ 4. This act shall take effect immediately.

Chap. 315.

AN ACT authorizing a part of the records of Ontario and Genesee counties, relating to lands in the county of Monroe, to be transcribed and placed in the clerk's office of Monroe county.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of Monroe, are hereby authorized to cause the records of deeds and undischarged mortgages, and wills of real estate, in the clerk's offices of the counties of Ontario and Genesee, relating to lands now situated in the county of Monroe, recorded prior to the twenty-third day of February, in the year eighteen hundred and twenty-one, to be transcribed into suitable books of record, and their correctness to be verified by the affidavit or affidavits of the person or persons transcribing the same, which affidavit or affidavits shall be entered and made at the close of the record in such books, and such books shall be deposited and kept in the clerk's office of the county of Monroe.

§ 2. The said books and the records therein, shall constitute a part of the records of the county of Monroe, and the same, and copies and exemplifications thereof, may be given in evidence in all courts and places, with the same force and effect as the originals.

§ 3. The clerks of the counties of Ontario and Genesee shall, without compensation therefor, allow the records referred to in the first section of this act, in their offices respectively, to be transcribed as provided in said section, for the use of the county of Monroe, by such person or persons as shall be employed for that purpose by the board of supervisors of the county of Monroe.

§ 4. The board of supervisors of the county of Monroe, may fix the compensation of the persons employed to trans-

- cribe said records, and furnish the necessary books for that purpose, and the expense thus incurred, shall be levied, collected and paid by the county of Monroe, in the same manner as other county charges.
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Chap. 316.

AN ACT to amend "An act to construct a road from, at, or near McLenathan's Falls, to the Port Kent and Hopkinton Turnpike; also from Purmort Rapids, Essex county, to intercept said road," passed May twelfth, eighteen hundred and forty-seven.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller is hereby authorized and required to pay to John Fitzgerald, John Rogers and Elias Goodspeed, the sum of twelve hundred and nineteen dollars and sixty-five cents, the amount of principal and interest thereon, borrowed by them under and as commissioners appointed by the act hereby amended, being chapter two hundred sixty-six, passed May twelfth, eighteen hundred and forty-seven; and interest on the sum of six hundred and seventy-three dollars and sixty-nine cents, the principal thereof, from the sixth day of February, eighteen hundred and fifty-eight, until unpaid.

§ 2. The said Fitzgerald, Rogers and Goodspeed, are hereby authorized and directed, with the money so received by them, to pay the sum so borrowed by them, and interest thereon.

§ 3. The comptroller shall retain out of the taxes assessed and returned to the comptroller as in arrear and unpaid on the non-resident portion of the lands mentioned and specified

in section third of the said act hereby amended as aforesaid, until the sum so paid by the comptroller to said commissioners, and interest thereon, shall be fully refunded to the state treasury.

§ 4. This act shall take effect immediately.

Chap. 317.

AN ACT appropriating money for making provision for insane convicts.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of finishing, furnishing and putting up the apparatus necessary for warming the building now being erected in Auburn as a hospital for convict lunatics, pursuant to chapter four hundred and fifty-six of the laws of eighteen hundred and fifty-five, and of chapter one hundred and forty-four of the laws of eighteen hundred and fifty-seven.

§ 2. The treasurer shall pay on the warrant of the comptroller, to the agent and warden of the Auburn prison, such sum or sums as the inspectors of state prisons shall from time to time certify to be necessary for the purpose of carrying out the first section of this act, not exceeding in the whole the amount appropriated by said first section.

§ 3. This act shall take effect immediately.

Chap. 318.

AN ACT in relation to the City Hall, in the city of New York.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Mayor and supervisors to appoint commissioners.

SECTION 1. The mayor of the city of New York shall nominate, and the board of supervisors shall confirm, not more than three commissioners of the new city hall, who shall hold their offices during the pleasure of the said mayor and supervisors, and all vacancies which may occur among said commissioners, shall be filled by said mayor and supervisors as aforesaid.

Duty of commissioners.

§ 2. It shall be the duty of the said commissioners to direct and superintend the erection of a building in the park, in the rear of the city hall, of suitable dimensions and arrangement, to accommodate therein the supreme court, the superior court, the court of common pleas, courts of oyer and terminer, general and special sessions, surrogates' court, marine court, their various officers and chambers, grand and petit juries, the sheriff, clerks of those courts, commissioner of jurors, district attorney and law institute.

Plans, &c.

§ 3. The said commissioners shall have power to decide upon the plans and specifications, to advertise for and receive proposals, to make contracts and do all things necessary for the building, completing and furnishing ready for use the said building and its several rooms, in such manner as shall in their judgment be best calculated to conduce to the due and convenient administration of justice in the city of New York, and the preservation of the public records therein.

Architects, engineers, &c.

§ 4. The said commissioners shall have power to employ architects, engineers, superintendents, clerks, and such other necessary assistants as may be required for the purposes of this act; the compensation of such architects, engineers, superintendents, clerks and assistants, to be fixed by the said commissioners by and with the consent of said judges of the said superior court and common pleas, but the

said commissioners shall receive no compensation for their services.

§ 5. The said commissioners shall keep full minutes of all their proceedings, and shall file the same with the clerk of the common council within ninety days after the completion and furnishing of said building. Minutes of proceedings.

§ 6. It shall be the duty of the board of supervisors of the county of New York, whenever called upon by said commissioners, to raise a sum not exceeding two hundred and fifty thousand dollars, by the creation of a public stock, to be called the city hall stock, which shall be redeemable in the year eighteen hundred and seventy-five, out of the sinking fund of the city of New York, and shall bear an interest of six per cent per annum; and the said building, with all its finishing and furnishing, ready for use, shall not cost any more than the said sum of two hundred and fifty thousand dollars. Board of supervisors.

§ 7. The aforesaid amount shall be paid out by the chamberlain of the city and county of New York, in such sums and to such persons as said commissioners shall from time to time direct. Chamberlain of New York.

§ 8. It shall be lawful for said board of supervisors to determine what shall be the nominal amount or value of each share of said stock, and of what number of shares the same shall consist, and to sell and dispose of said shares at public auction or otherwise, and issue certificates therefor. Share of stock.

§ 9. The provisions of the act entitled "An act to regulate the finances of the city of New York," passed June eighth, eighteen hundred and twelve, shall apply to said stock, so far as the same are not inconsistent with this act. Law applicable, &c.

§ 10. It shall be the duty of the said board of supervisors to cause to be raised by tax, in addition to the ordinary taxes, yearly and every year, a sum sufficient to pay the interest semi-annually on said stock. Tax.

§ 11. The moneys to be raised by virtue of this act, shall be applied to the erection, completion and furnishing, ready for use, of said building, and all its parts, and for no other purpose whatever. Moneys to be applied.

§ 12. The act entitled "An act authorizing the mayor, aldermen and commonalty of the city of New York, to erect a new city hall in said city, to raise money by loan for that purpose, and to appoint commissioners for that purpose," passed April fifteen, eighteen hundred and fifty-seven, is hereby repealed.

§ 13. This act shall take effect immediately.

Chap. 319.

AN ACT to legalize the Port Henry and Whitehall Towing Company.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Silas H. Witterbee, Jonathan G. Witterbee, Henry G. Tisdale, and others their associates, and their successors, are hereby constituted a body politic and corporate, with a capital of not less than ten thousand dollars, under the corporate name and style of the Port Henry and Whitehall Towing Company, with all the privileges and powers, and subject to all the duties, conferred and imposed upon corporations formed under the act entitled "An act for the incorporation of companies formed to navigate the lakes and rivers," passed April fifteenth, eighteen hundred and fifty-four, and of the amendments thereto; and the proceedings taken by them to organize said company under said act, with a capital of ten thousand dollars, are hereby made as valid and effectual for the incorporation of said company as if the said company had organized with a capital of fifty thousand dollars, in accordance with the act of the legislature passed March tenth, eighteen hundred and fifty-seven, entitled "An act to emend an act entitled 'An act for the incorporation of companies to navigate the lakes and rivers,' passed April fifteenth, eighteen hundred and fifty-four."

§ 2. This act shall take effect immediately.

Chap. 320.

AN ACT to submit the question of calling a Convention to revise the Constitution, and amend the same, to the people of the state.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The inspectors of election in each town, ward and election district in this state, at the annual election to be held in November next, shall provide a proper box to receive the ballots of the citizens of this state entitled to vote for members of the legislature at such election. On such ballot shall be written or printed, or partly written and printed, by those voters who are in favor of a convention, the words "Shall there be a convention to revise the constitution and amend the same? Yes." And by those voters who are opposed thereto, the words "Shall there be a convention to revise the constitution and amend the same? No." And all citizens entitled to vote as aforesaid, shall be allowed to vote by ballot as aforesaid, in the election district in which he resides, and not elsewhere.

§ 2. So much of articles one, two and three of title four of chapter one hundred and thirty of an act entitled "An act respecting elections other than for militia and town officers," passed April fifth, eighteen hundred and forty-two, and the acts amending the same, as regulates the manner of conducting elections and challenges, oaths to be administered, and enquiries to be made of persons offering to vote, shall be deemed applicable to the votes to be given or offered under this act; and the manner of voting and challenges, and the penalties for false swearing, prescribed by law, are hereby declared in full force and effect in voting or offering to vote under this act.

§ 3. The said votes given for and against a convention in pursuance of this act, shall be canvassed by the inspectors of the several election districts or polls of the said election, in the manner prescribed by law, and as provided

Statement.

in article four of title four of chapter one hundred and thirty of the said act, passed April fifth, eighteen hundred and forty-two, and the acts amending the same, as far as the same are applicable; and such canvass shall be completed by ascertaining the whole number of votes given in each election district or poll, for a convention, and the whole number of votes given against such convention, in the form aforesaid; and the result being found, the inspectors shall make a statement in words at full length, of the number of ballots received in relation to such convention, and shall also state in words at full length, the whole number of ballots having thereon the words "Shall there be a convention to revise the constitution and amend the same? Yes." And also the whole number of ballots having thereon the words "Shall there be a convention to revise the constitution and amend the same? No." Such statements as aforesaid shall contain a caption, stating the day on which, and the number of the district, the town or ward, and the county at which, the election was held, and at the end thereof a certificate that such statement is correct in all respects, which certificate shall be subscribed by all the inspectors, and a true copy of such statement shall be immediately filed by them in the office of the clerk of the town or city.

Original
statement to
be delivered
to supervisor.
or.

§ 4. The original statements, duly certified as aforesaid, shall be delivered by the inspectors, or one of them to be deputed for that purpose, to the supervisor, or in case there be no supervisor, or he shall be disabled from attending the board of canvassers, then to one of the assessors of the town or ward, within twenty-four hours after the same shall have been subscribed by such inspectors, to be disposed of as other statements at such election are now required by law.

Laws appli-
cable.

§ 5. So much of article first, second, third and fourth, of title fifth of chapter one hundred and thirty of the act entitled "An act respecting elections other than for militia and town officers," and the acts amending the same, as regulates the duties of county canvassers, and their proceedings, and the duty of county clerks, and the secretary of state, and the board of state canvassers, shall be applied to the canvassing and ascertaining the will of the people of this state in relation to the proposed convention; and if it shall appear that a majority of the votes or ballots given in and returned as aforesaid, are against a convention, then the

said canvassers are required to certify and declare that fact by a certificate, subscribed by them, and filed with the secretary of state; but if it shall appear by the said canvass, that a majority of the ballots or votes given as aforesaid, are for a convention, then they shall, by like certificate, to be filed as aforesaid, declare that fact; and the said secretary shall communicate a copy of such certificate to both branches of the legislature, at the opening of the next session thereof.

Chap. 321.

AN ACT to amend an act entitled "An act relating to the Board of Supervisors of the county of New York," passed April fifteenth, eighteen hundred and fifty-seven.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled "An act relating to the board of supervisors of the county of New York," passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended to read as follows:

The mayor and recorder of the city of New York shall cease to be members of the board of supervisors of the county of New York; the members now composing the said board of supervisors, shall continue to be members thereof, as hereinafter mentioned; on or before the first Monday of May, eighteen hundred and fifty-eight, the present members of said board shall meet at their usual place of meeting in said county, and the six members thereof, elected by the votes of the electors, shall then and there, in the presence of the mayor of said city, classify themselves respectively by lot into six classes, and the six members of said board, appointed in December, eighteen hundred and fifty-seven, by

Mayor and recorder to cease to be members of board of supervisors.

Classis.

Expiration
of term of
office.

Supervisors,
how elected.

the mayor of said city, shall also classify themselves respectively, at the same time and place, and in the same presence and manner, into six classes; the terms of office of the two members of the first class, shall expire on the thirty-first day of December, eighteen hundred and fifty-eight; the term of office of the two members of the second class, shall expire on the thirty-first day of December, eighteen hundred and fifty-nine; the term of office of the two members of the third class, shall expire on the thirty-first day of December, eighteen hundred and sixty; the term of office of the two members of the fourth class, shall expire on the thirty-first day of December, eighteen hundred and sixty-one; the term of office of the two members of the fifth class, shall expire on the thirty-first day of December, eighteen hundred and sixty-two; and the term of office of the two members of the sixth class, shall expire on the thirty-first day of December, eighteen hundred and sixty-three. At the general election to be held in the city of New York, in this year, and at every succeeding general election, two supervisors shall be voted for upon a separate general ticket, but only one name for supervisor shall be on any one ticket, and any ticket having thereon more than one name for supervisor shall not be counted. The person having the highest number of votes, shall be declared elected by the board of county canvassers, who shall canvass the votes, and all the provisions of law relating to the election of county officers, in said county, are hereby applied to the election of supervisor. On or before the fourth Wednesday of December, in each and every year, the mayor of said city shall appoint, as a supervisor, the person who received the highest number of votes for supervisor, next to the votes received by the supervisor having the return of the board of county canvassers, as having been elected at the election last held.

§ 2. The second section of the said act, is hereby amended so as to read as follows:

Vote of
seven mem-
bers, &c.

The vote of seven of the members of the said board of supervisors in the affirmative, or in favor thereof, shall be necessary to pass any ordinance or resolution appropriating money, or to fill any vacancy in said board, or to do any act or thing except to adjourn from day to day, and every act, ordinance or resolution, which shall have passed the said board of supervisors, except such as levy any special tax or taxes, or fill a vacancy in said board, before it shall take effect, shall be presented duly certified, to the mayor of the

city of New York, for his approval; if he approve, he shall sign it, if not, he shall return it with his objections to the board within ten days thereafter, or if said board be not in session, at its next meeting after that period; the board shall enter the objections at large on their journal, and cause the same to be published in one or more of the daily papers of the city of New York.

§ 3. In case of any vacancy in said board by death, resignation or otherwise, the same shall be supplied by the remaining members thereof, and the person thus appointed, shall hold his office as a member of said board for the unexpired term of the member thereof, in whose place he shall have been appointed.

§ 4. This act shall take effect immediately.

Chap. 322.

AN ACT in relation to Jurors, and to the appointment and the duties of a Commissioner of Jurors in the county of Kings.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The selection and summoning of jurors in the county of Kings shall be performed by a person to be appointed by a board, which shall consist of the county judge, the district attorney, the sheriff, the surrogate and the justices of the court of sessions of Kings county, who shall be known as the commissioner of jurors for the county of Kings. Summoning jurors, &c.

§ 2. The said appointment shall be made at a meeting of the appointing board named in the first section of this act, four of whom shall be sufficient and necessary to constitute a quorum. Any appointment concurred in by four of the members of said board shall be legal and valid. When appointment to be made.

First meet-
ing.

§ 3. The first meeting of said appointing board shall be held on the second Monday of May, next succeeding the passage of this act, at an hour and place to be designated by the judge of the county court. Subsequent meetings may be called at any time on a previous notice of not less than three days of such meeting, which notice shall be given by the judge of the county court on the request of any two members of the said appointing board, and shall be personally served on each member of said board, or left at his usual place of business or his residence.

Clerk of
board of su-
pervisors to
attend.

§ 4. The clerk of the board of supervisors shall attend said meetings and act as clerk thereof, and shall keep a record of the proceedings thereof. He shall also cause the notice calling such meetings to be served, and the person making such service shall make proof by affidavit of the fact of such service, and of the time and manner of making it, which affidavit, together with the record of proceedings, shall be filed with the records of the board of supervisors.

Oath of
commissioner.

§ 5. Before entering upon the duties of his office, the said commissioner shall take the usual oath of office before a judge of the supreme court, or any officer authorized to administer oaths, which oath shall be filed in the office of the county clerk, and shall execute a bond to the supervisors of the county in the penal sum of five thousand dollars, with two sureties to be approved by the chairman of the board of supervisors, conditioned that he shall faithfully perform the duties of his office, and account for and pay over all moneys which may come to his hands by virtue thereof, which bond shall be filed with the clerk of the board of supervisors. He shall then be authorized to appoint one assistant, and so many assistants more than one as the board of supervisors may direct, and shall have authority to administer oaths or affirmations in any matter relating to his duties, and shall keep a record of all proceedings had before him.

Bond.

Rooms.

§ 6. The supervisors of said county of Kings shall provide suitable rooms and accommodations for the office of said commissioner, and also for the payment of his assistant or assistants, and for books, stationery and printing of notices which he may require in the discharge of his duties, and also for the payment to said commissioner of the sum of two thousand dollars for his salary, which compensation for said officer the treasurer of said county shall pay quarterly.

Duty of
assessors.

§ 7. It shall be the duty of the assessors of the city of Brooklyn, and of the assessors of the several towns in the

county of Kings, after the first day of May in each year, to select and return to the commissioner of jurors so appointed, the names and places of residence and occupation of all persons in the said city and towns respectively, liable under this act to jury duty. Such return shall be made in writing, subscribed by the assessors of such city and towns respectively, and shall be delivered to the commissioner of jurors, on or before the first day of July in the same year. The said commissioner shall also, and at the same time, proceed to select from the names of persons residing in the county of Kings suitable persons to serve as jurors. In making such selection the said assessors and the said commissioner shall take the names of such only as are:

1. Male inhabitants of the county not exempt by this act ^{who ex-}
from serving on juries. ^{empt.}

2. Of the age of twenty-one years or upwards, and under sixty years old.

3. In the possession of their natural faculties, and not infirm or decrepit.

4. Free from all legal exceptions; of fair character; of approved integrity; of sound judgment, and well informed.

The names so selected shall be entered in a book alphabetically, designating the ward or town, occupation and residence of each.

§ 8. After the first day of June in each year, as soon as the list shall be completed, the said commissioner shall ^{Commis-}
publish a notice of at least ten days in each of the daily ^{sioners to}
newspapers printed and published in the county, that the ^{publish no-}
list of jurors for the year is ready for examination and ^{tice.}
correction at his office. He shall then receive evidence of exemptions in the same manner as is authorized in courts of record, and shall mark "exempt" in the said list, the names of those persons found to be exempt from serving as jurors, and also record therein the ground of exemption.

§ 9. Every person applied to by the said assessors or the said commissioner or his assistant, for information as to the liability of persons to perform jury duty in said county, shall communicate correct information; and any person who shall refuse to give such information as he may possess on the subject, or shall make any false representation in regard to the identity, residence or other matters pertaining to any juror drawn and directed to be summoned as herein provided, or shall suppress or destroy any notice left for any juror during his absence, at his place of business or residence, shall be

deemed guilty of a misdemeanor and shall be punished accordingly.

§ 10. Every person shall be exempt from serving on any jury when it shall satisfactorily appear:

When ex-
empt.

1. That such person is not at the time, the owner in his own right, or in right of his wife, of real property of the value of one hundred and fifty dollars, or of personal property of the value of two hundred and fifty dollars.

2. That such person is under the age of twenty-one years or over sixty years of age, or is not in possession of his natural faculties, or that there is any legal exception against him.

3. That such person is a minister of the gospel, and officiating as such, and not regularly engaged in any other avocation, business or calling.

4. That such person is a regular practicing physician or surgeon, and has patients requiring his daily attention as a practitioner of medicine, and is not regularly engaged in other business.

Ibid.

5. That such person is a member of the bar of the supreme court of this state in actual practice, having causes in court, and is not regularly engaged in any other avocation.

6. That such person is a justice of the peace, or holds any other civil office under the United States, state, county or city, the duties of which are at the time inconsistent with his attendance as a juror.

7. That such person is actually engaged as professor or teacher in any college, academy or public school, or in any private school for the instruction of pupils in the usual branches of education.

Ibid.

8. That such person is a pilot, duly licensed in pursuance of any law of this state, and at the time is in actual discharge of his duties as such.

9. That such person has faithfully served in any duly organized fire department or company in this state for the period prescribed by law to entitle him to exemption from jury duty, or is at the time a member of any company of firemen duly organized according to law, and faithfully performing all the duty of a fireman therein, the evidence of which shall be the certificate thereto of the foreman, or other chief officer of such company duly verified by his oath, and dated within three months of its presentation, when it relates to service not already completed.

Ibid.

10. That such person is an officer, non-commissioned

officer, or private in any brigade, regiment, battalion, company or troop in said county of Kings, duly uniformed and equipped according to law, and faithfully performing all the duty of a soldier therein, by making the parades and attending the drills, inspections and reviews required by law, or who shall have done so for the period now prescribed by law to entitle him to exemption from jury duty. The evidence of such exemption shall be the certificate of the commandant of such brigade, regiment, battalion, company or troop, duly verified by his oath, dated within three months of the time of its presentation, when relating to service not already completed, and such certificate shall be filed with the said commissioner of jurors.

11. That such person is an alien.

12. That such person does not himself reside in the county of Kings, or that he is mentally or physically incapable of performing jury duty.

13. That such person belongs to the army or navy of the United States, or to the police force of the city of Brooklyn, or of the police district. ^{Ibid.}

§ 11. The court before which any person shall be summoned as a juror, may excuse such person from serving whenever it shall satisfactorily appear :

1. That he has actually performed jury duty under this act within six months next preceding the sitting of such jury, and since the second Monday in August preceding such sitting.

2. That he has actually performed duty as a grand juror ^{Ibid.} under this act, since the first Monday in September next preceding the sitting of such jury.

3. That the interests of the public or of the individual juror will be materially injured by such attendance, or that his own health or the health of his family requires his absence from such court.

§ 12. On the first Monday of August in each year, or as soon as all the corrections of the list of jurors as provided for, shall have been made, the commissioner shall copy therefrom the names of all persons who appear therein as liable to do jury duty, with their additions and places of residence, and said copy verified by the oath of the commissioner, shall be filed in the office of the county clerk. ^{Commissioner to copy names, &c.}

§ 13. Supplemental lists of persons ascertained to be liable for duty as jurors, may in like manner be made, and verified copies thereof filed, at any subsequent time. ^{Supplemental lists.}

Ballots, &c.

§ 14. Having previously written the names contained in the list filed in the office of the county clerk, with their additions and places of residence on separate pieces of paper or ballots, the said commissioner shall, on the second Monday of August in each year, deposit the said ballots in a box provided for that purpose, and place his seal upon said box, whereupon all jury ballots previously in use shall be destroyed. The said box shall be constructed with an aperture so large only as will conveniently admit the hand of the person by whom the ballots are to be drawn, and the aperture shall be provided with a cover so arranged as to be conveniently sealed when closed.

Drawing of jurors.

§ 15. Fourteen days before the holding of any court of oyer and terminer, or court of sessions, or court of record in said county for the trial of issues of fact, it shall be the duty of the judge and justices named in the first section of this act, and of the judges of the supreme court and of the judge of the city court of Brooklyn, or of any two of them, being previously notified thereof by the commissioner, to attend at the office of the said commissioner to witness and assist in the drawing of a jury for the said court. The number of jurors to be drawn for said court shall be ordered by the judge who is to preside at said court, by an order under his hand, to the said commissioner; but if no such order have been given, then one hundred and thirty-two jurors shall be drawn for the said court.

Judges to attend, &c.

§ 16. On the appearance of two or more of said judges, the commissioner shall break the seal and open the box containing the ballots, and exhibit the same for their inspection, together with the original list of jurors, and a copy of the list or lists filed in the county clerk's office. He shall then shake the box in such a way as thoroughly to intermingle the ballots contained therein. The judges and the commissioner, or a majority of them shall then appoint one of their number to draw the ballots from the box, and one to check-mark such drawing on the copy of the lists filed with the county clerk as drawn.

Person appointed to draw, &c.

§ 17. The person appointed shall then proceed to draw one of the ballots from the box, doing so in such a way as not to see the name written thereupon until after it is taken from the box. He shall then read aloud the name so written, and if the drawing be for jurors to serve in a court having jurisdiction only in a portion of the county of Kings, and the name be that of a person not liable to do jury duty

in such court, then the ballot shall be returned to the box from which it was taken. But if the name be that of a person liable to do jury duty in the court for which such jury is being drawn, then the person appointed to check-mark the drawing shall place opposite to the name upon the list provided for that purpose, which corresponds to the name drawn, the number one, (1.) The ballot shall then be deposited in a second box provided for that purpose, and constructed like the first box, after which another ballot shall be drawn from the first box, and the name thereon being read aloud, and being that of a person liable to do jury duty in said court, the corresponding name in the list shall be check-marked with the number two, (2) and the ballot shall be placed in the second box. The drawing shall then be continued in the same manner until the required number of jurors has been drawn.

Manner of
drawing.

§ 18. When the drawing is completed, the commissioner and the judges by whom it was conducted, shall sign a certificate at the end of the list on which the check-marks have been made, setting forth that the jurors whose names are check-marked with the numbers described in said certificate, were duly drawn by them for the court and term therein named. The said judges shall then close both of the said boxes, and place their seal or seals upon the covers thereof, which seals shall only be broken when necessary for a subsequent drawing.

When com-
pleted.

§ 19. At such subsequent drawing, the same list shall be check-marked, and the numbers used as check-marks shall be in continuation of those used at the drawing next preceding it, and certificates of every such drawing shall be signed at the end of the list in the same manner as at the first drawing.

Subsequent
drawings.

§ 20. When all the ballots have been drawn from the first box, and deposited in the second box, the commissioner shall prepare a copy of the list of names previously used in the drawing, but omitting the check-marks. He shall then correct the said list by properly indicating the names of persons who have been found to be exempt, or dead, or removed from the county, or who are entitled to be excused, and for what time excused, after which the ballots shall be drawn from the second box, and the names check-marked on the list, and the ballots deposited in the first box in the same manner as at the previous drawings; but when a bal-

When bal-
lots are all
drawn out.

List to be
corrected.

lot shall be drawn having upon it the name of a person indicated on the corrected list as "dead," "removed," or "exempt," such ballot shall be destroyed, and if it have the name of a person indicated in the list, as excused, it shall be returned to the box from which it was drawn, and no notice shall be taken of such ballot.

After drawing, list to be prepared.

§ 21. Immediately after each drawing of jurors, the commissioner shall prepare a list of the names of the jurors drawn, with their additions and places of residence, stating thereupon for what court and term they were drawn, and shall verify the same under oath, and file the same in the office of the county clerk. He shall then, forthwith, cause a notice to be served, personally, upon each of the jurors so drawn, or left at his usual place of business, or at his residence, with some person of proper age, which notice shall specify the days on which such juror is required to be present in court.

Six days service.

§ 22. No person shall be required to perform more than six days service as juror for each time his name is drawn as herein provided, except so far as to complete all cases on which he shall have been sworn as juryman within the said six days, unless the court for good cause shall otherwise order; and no person shall be required to serve as a jurymen, under this act, without having had at least three days previous notice thereof, except by special order of the judge holding the court, and except as herein otherwise provided.

36 jurors shall be notified.

§ 23. The thirty six first drawn for any term of court, as provided, or such number as the judge holding such court shall direct, shall be notified to be present on the first six days of such term, and the thirty-six jurors next drawn, or such number as the said judge shall direct, shall be notified to be present on the second six days of such term, and the same number for each succeeding six days, until all are notified. The presiding judge may, at his discretion, and if good and sufficient reason appear therefor, on the application of any juror, change the days of service required of him, or excuse him from the whole or a part thereof.

Judge may excuse, &c.

List to be prepared, &c.

§ 24. Before the commencement of any sitting or term of court for which jurors have been drawn as herein provided, the commissioner shall prepare a list of the jurors so drawn, in which shall appear the days on which they were notified to attend, and in what manner the notice thereof was served upon them, accompanied by an affidavit to the

correctness of the same, made by the person by whom such notices were served, which list shall be delivered to the clerk of the court for which such jury was drawn.

§ 25. The court to which any list of jurors duly drawn and notified, shall be returned by the commissioner, shall impose a fine of twenty-five dollars for each day that any person duly summoned as a juror shall neglect to attend. But if it appear that any person was notified otherwise than personally, the court shall suspend such fine until the defaulting juror shall be notified by said commissioner, to show cause before him, if any he have, why such fine should not be imposed.

§ 26. Within one week after the termination of any sitting or term of any court for which jurors have been drawn as herein provided, the clerk of such court shall re-deliver to the said commissioner of jurors the certified list of all the jurors drawn for said court, and shall specify:

1. Those who appeared and served.
2. Those who, for any reason, were excused from serving.
3. Those who made default in appearing and serving, and
4. Those who were fined for non-appearance, and the amount of such fines.

And on receiving such list, the commissioner shall record therefrom, upon the list originally made by him, the date of all service performed as therein set forth.

§ 27. The commissioner shall then forthwith notify every person so fined, or whose fine was suspended by the court, to appear before him and show cause, if any he have, why such fine should be remitted. On his appearance, and being duly heard thereon, the commissioner may either remit or confirm the whole or part of said fine. And if such person shall neglect to attend before the commissioner, after being personally notified, the commissioner shall make return thereof to the court before which such juror was summoned, and such court may order such fine to be enforced.

§ 28. The said commissioner shall also proceed to collect such fines, and to that end, as well as in serving all necessary notices connected with the duties of his office, he shall have all the powers heretofore exercised by the sheriff of the county of Kings.

§ 29. Within thirty days after receiving the list of jurors provided for in section twenty-six, the said commissioner shall make return of all jurors fined, and whose fines remain

Fine for non-attendance.

Clerk of such court shall re-deliver list, &c.

Commissioner to notify persons fined.

Collection of fines.

Returns to be made of jurors.

unpaid, and the amount of such fines to the court by which such fines were imposed, and the clerk of the said court shall thereupon issue to the said commissioner of jurors a warrant, under the seal of said court, embracing a list of the persons so fined, and of the fines imposed, and commanding him to levy and enforce their collection and to return said warrant with his doings thereon, within ninety days from the reception thereof. All fines returned as not collected under said warrant shall be entered on the docket of judgments of said court; and such fines, together with legal interest and costs thereon from the date when they were imposed, shall become a lien upon the property of the persons fined.

Number of
jurors.

§ 30. At a meeting of the board of supervisors of Kings county, which shall be held on the first Monday of September next succeeding the passage of this act, and on the same day in each year thereafter, the said supervisors shall proceed to select, from the list of all the persons duly qualified to act as jurors and not exempt by law, which shall be provided by said commissioner of jurors, the names of such number of persons as shall be equal to five for every thousand of inhabitants in the county at the time the then last census was taken, to serve as grand jurors during the then ensuing year, and until a new selection is made.

Qualifica-
tion of jur-
ors, &c.

§ 31. In making such selection, the said supervisors shall select such persons only as he knows, or has good reason to believe, are possessed of all the qualification required of persons to serve as petit jurors, and who are, at the time, assessed for personal or real property to the amount of two hundred and fifty dollars. A list of the persons so selected, with their additions and places of residence, verified by the oath of the president or chairman of said board of supervisors, shall be made forthwith and filed in the office of the county clerk, and a copy thereof shall also be served upon the said commissioner of jurors.

Prepare bal-
lots.

§ 32. The commissioner shall then proceed to prepare ballots from such list, and two boxes for drawing the same, together with a list to be check-marked, and whatever may be necessary to conduct the drawing and summoning of such grand jurors in the manner described for the drawing and summoning of petit jurors.

36 names to
be drawn.

§ 33. The names of thirty-six persons, or so many more as the judge of the court may direct, to serve as grand jurors, shall be drawn at each time of drawing the names of petit jurors for any court of oyer and terminer or court of

sessions or city court. They shall be drawn by the persons and in the manner provided for the drawing of petit jurors, and shall be subject to all the provisions in this act in regard to petit jurors, except that they shall be entitled to six days notice before being required to appear for service, and except that the term of service shall be for the sitting or term of the court, or until discharged by the court, and not for the prescribed term of six days.

§ 34. If any offence shall be committed during the sitting of any oyer and terminer, or court of sessions, or city court, after the grand jury attending such court shall have been discharged, such court may, in its discretion, by an order to be entered in its minutes, direct the commissioner to summon another grand jury. The commissioner shall accordingly forthwith summon such grand jury from the inhabitants of the county, whose names appear on the list of grand jurors, and in every such case the persons so summoned shall not be entitled to any previous notice thereof, as provided in section thirty-three, but the commissioner shall cause them to be notified that they are so summoned by a special order of the court.

Offence committed after grand jury is discharged.

§ 35. The duties and powers of the courts, and clerks of courts, and of the commissioner in regard to grand jurors, shall, in all respects, be the same as in regard to petit jurors, and the fines imposed upon them for non-attendance shall become liens upon their property in the same way as in the case of petit jurors.

Duties and powers of courts.

§ 36. Special jurors shall be struck in the manner provided for by article third, of chapter seven, of part third, of the revised statutes, but in all such cases the commissioner of jurors shall perform the duties therein required of and be held to represent the clerk of the county and the sheriff; and the original list of the jurors prepared by him shall take the place of the list of jurors therein provided, to be the lists returned by the officers of the several towns.

Special jurors.

§ 37. The said commissioner of jurors shall provide a register to be kept in his office, and he shall enter therein, alphabetically, the names of all persons who shall be certified by the commandants of regiments in said county, in which county said persons reside, exempt by law from militia service in said county; and in such register he shall note the place of residence of such person, and the cause of exemption; and before registering any name, the said commissioner shall require evidence, under oath or otherwise,

Register to be kept.

of the identity of the person claiming such exemption, and he shall have power to revise and correct such register from time to time and strike therefrom the name of any person erroneously inserted thereon.

Certificate
to exempt.

§ 38. The said commissioner shall grant to any person whose name is thus registered, a certificate thereof, which shall be proof of such exemption; and no fine or costs imposed for the non-performance of militia duty, except in cases of invasion or insurrection, shall be levied or collected from any person thus registered and certified. The said commissioner shall demand and be entitled to receive a fee of twenty-five cents for the entry of each name in said register, and fifty cents for his certificate, to be paid by the parties desiring the same. Such certificate may, however, be at any time canceled or countermanded by said commissioner, if obtained by fraud or issued by mistake, or if such exemption shall cease.

Fees of com-
missioners.

§ 39. The said commissioner shall demand and shall be entitled to receive the same fees now allowed to clerks of courts of record for orders or copies of any proceeding had before him, and it shall be his duty to furnish such orders or copies to any person applying therefor and paying such fees; but all such fees together with the fees provided for in the preceding section, and the fines which may be collected from jurors, and all moneys received by him in the discharge of his duties as such commissioner, shall be accounted for by him and shall be paid into the treasury of the county.

Report.

§ 40. The said commissioner shall make a report to the board of supervisors annually of all proceedings had before him or by him in the discharge of his duties, and he shall pay over to the county treasurer once in every three months all moneys in his hands which he shall have received as such commissioner of jurors.

Act to take
effect.

§ 41. This act shall take effect immediately, and shall be *constructed** as superseding all other acts in regard to the matters therein provided for, so far as it relates to petit jurors and special juries, from and after the second Monday in August next succeeding the appointment of a commissioner as provided in section three, and so far as it relates to grand jurors, from and after the first Monday in October next succeeding the said second Monday in August.

* So in the original.

Chap. 323.

AN ACT to amend an act entitled "An act in relation to moneys levied by law, on Masters, Mates, Mariners, and Seamen, arriving at the city and port of New York, and the disposal of the same by the Trustees of the Seamen's Fund and Retreat," passed April seventh, eighteen hundred and fifty-four.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifth section of the act entitled "An act in relation to moneys levied by law on masters, mates, mariners and seamen arriving at the city and port of New York, and the disposal of the same by the trustees of the seamen's fund and retreat," passed by the legislature of the state of New York, April seventh, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

§ 5. The president of said trustees shall demand and be entitled to receive, and in case of neglect or refusal to pay, shall sue for and recover, in the name of the people of this state, the following sums, from either the owner or owners, or from the master, or from both such owner or owners and master of every vessel that shall arrive at the port of New York, namely:

First. For every vessel from a foreign port—for the master, one dollar and fifty cents; for each mate, one dollar; for each sailor or mariner, fifty cents.

Second. For every coasting vessel—for each person on board composing the crew of such vessel, twenty cents; but no coasting vessel from the state of New Jersey, Connecticut or Rhode Island, shall pay for more than one voyage in each month, computing from the first voyage in each year.

And the said president may sue the said owner or owners,

or the said masters, or both such owner or owners and master, for the penalties imposed by law, on masters of coasting vessels, for non-payment of hospital moneys.

Chap. 324.

AN ACT to authorize the Mayor, Aldermen, and Commonalty of the city of New York, to convey certain lots of ground to the New York State Woman's Hospital.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The mayor, aldermen and commonalty of the city of New York, are hereby authorized to convey to the board of governors of the New York State Woman's Hospital, the block of ground in said city bounded by the Fourth avenue, Forty-ninth street, Lexington avenue and Fiftieth street, containing thirty-two lots of ground, or thereabouts; the said conveyance to be in consideration of one dollar lawful money of the United States, and to remain in full force and virtue so long as the ground herein specified shall be used for the purposes of said New York State Woman's Hospital, and no longer.

Chap. 325.

AN ACT for the relief of Columbus C. Midler, the contractor on section number one hundred and thirty-six, of the Erie canal enlargement.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal commissioners are hereby authorized and required to examine the claim of Columbus C. Midler, contractor for the construction of section number one hundred and thirty-six of the Erie canal enlargement, for damages sustained by him in consequence of the closing up by the state authorities of a culvert under the old canal, and turning the water therefrom, upon said section, while he was constructing the same; and in case they shall find that the state is justly liable for such damages, to make such award therefor as shall be just and equitable, which award shall be subject to the same right of appeal to the canal board, by either party, as in other cases.

§ 2. The treasurer shall pay on the warrant of the auditor, out of any moneys appropriated for the Erie canal enlargement, such sum, if any, as shall be awarded under the provisions of this act.

§ 3. This act shall take effect immediately.

Chap. 326.

AN ACT to prevent the issue of false receipts, and to punish fraudulent transfers of property, by warehousemen, wharfingers, and others.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When receipt may be issued, &c.

SECTION 1. No warehouseman, wharfinger, or other person, shall issue any receipt or other voucher for any goods, wares, merchandise, grain, flour, or other produce or commodity, to any person or persons purporting to be the owner or owners thereof, unless such goods, wares, merchandise, grain, or other produce or commodity, shall have been actually received into store or upon the premises of such warehouseman, wharfinger, or other person, and shall be in store or on the premises as aforesaid, and under his control at the time of issuing such receipt.

No receipt to be issued unless goods in possession.

§ 2. No warehouseman, wharfinger, or other person, shall issue any receipt or other voucher upon any goods, wares, merchandise, grain, flour, or other produce or commodity, to any person or persons, as security for any money loaned, or other indebtedness, unless such goods, wares, merchandise, grain, or other produce or commodity, shall be at the time of issuing such receipt in the custody of such warehouseman, wharfinger, or other person, and shall be in store or upon the premises, and under his control at the time of issuing such receipt or other voucher, as aforesaid.

Duplicate receipt, not to issue.

§ 3. No warehouseman, wharfinger, or other person, shall issue any second or duplicate receipt for any goods, wares, merchandise, grain, flour, or other produce or commodity, while any former receipt for any such goods, wares, merchandise, grain, or other produce or commodity, as aforesaid, or any part thereof, shall be outstanding and uncanceled, without writing across the face of the same, "duplicate."

Shall not sell, &c.

§ 4. No warehouseman, wharfinger, or other person, shall sell or encumber, ship, transfer, or in any manner remove, beyond his immediate control, any goods, wares, merchan-

dise, grain, flour, or other produce or commodity, for which a receipt shall have been given by him as aforesaid, whether received for storing, shipping, grinding, manufacturing or other purposes, without the written assent of the person or persons holding such receipt.

§ 5. No master, owner or agent, of any vessel or boat of any description, or officer or agent of any railroad company, or other person, shall sign or give any bill of lading, receipt or other voucher or document, for any merchandise or property, by which it shall appear that such merchandise or property has been shipped on board any vessel, boat, or railroad car, unless the same shall have been actually shipped and put on board, and shall be at the time actually on board or delivered to such vessel, boat or car, to be carried and conveyed as expressed in such bill of lading, receipt or other voucher or document.

No master
to sign or
give bill of
lading in
certain
cases.

§ 6. Warehouse receipts given for any goods, wares, merchandise, grain, flour, produce, or other commodity, stored or deposited with any warehouseman, wharfinger, or other person, may be transferred by endorsement thereof; and any person to whom the same may be so transferred, shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified, so far as to give validity to any pledge, lien or transfer made or created by such person or persons; but no property shall be delivered except on surrender and cancelation of said original receipt, or the endorsement of such delivery thereon in case of partial delivery. All warehouse receipts, however, which shall have the words "not negotiable," plainly written or stamped on the face thereof, shall be exempt from the provisions of this section.

Transferred.

§ 7. Any warehouseman, wharfinger, or other person, who shall violate any of the foregoing provisions of this act, shall be deemed guilty of fraud; and upon indictment and conviction, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in one of the state prisons of this state not exceeding five years, or both; and all and every person or persons aggrieved by the violation of any of the provisions of this act, may have and maintain an action at law against the person or persons violating any of the foregoing provisions of this act, to recover all damages, immediate or consequential, which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person

Penalty for
violation.

shall have been convicted of fraud, as aforesaid, under this act, or not.

§ 8. So much of the preceding fourth and sixth sections as forbids the delivery of property except on surrender and cancelation of the original receipt, or the endorsement of such delivery thereon in case of partial delivery, shall not apply to property replevied or removed by operation of law.

Chap. 327.

AN ACT in relation to Bedford Green, and certain avenues, streets and roads, in the city of Brooklyn.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bedford
Green.

SECTION 1. All that portion of Bedford Green not stricken from the commissioners' map of the city of Brooklyn, by a previous act, is hereby declared to be discontinued and closed, and the owner or owners of the land lying within the limits of the same, may improve, build upon, and occupy the same, in such manner as if the same never had been designated as a public green or park; provided, however, that if proceedings are instituted to open and lay out said green or park before the first day of June next, then said proceedings shall not be in any wise affected by this act, and the said green or park may be opened and taken for public use, in the same manner as if this act had not been passed.

First ave-
nue and
Ninth street

§ 2. All that part of the First avenue lying between Ninth street and Hamilton avenue, as the same is laid down and designated on the commissioners' map of the city of Brooklyn, is hereby discontinued and closed between the above named points.

Crown and
Carroll
streets.

§ 3. So much of Crown and Carroll streets as lie between Nostrand and Rogers avenue, as the same are laid down

and designated on the commissioners' map of the city of Brooklyn, are hereby discontinued and closed between the above named points.

§ 4. All that part of Tenth and Eleventh streets, in the city of Brooklyn, which lies between the west line of the First avenue, and the east line of the Gowans canal, as the said lines were heretofore established by law, is hereby discontinued and closed between the said lines.

§ 5. All that part of the road of the Ravenswood, Hallets Cove and Williamsburgh turnpike road, which formerly run across lands of heirs of John Meserole, deceased, in the present seventeenth ward of the city of Brooklyn, and which was authorized to be closed by an act of the legislature entitled "An act authorizing the Ravenswood, Hallets Cove and Williamsburgh turnpike and bridge company, to alter the location of a part of their road in Kings county," passed April twelfth, eighteen hundred and fifty-five, is hereby closed and discontinued, with the effect specified in said act.

§ 6. This act shall take effect immediately, with the exception of the first section, which shall take effect on the first day of June next.

Chap. 328.

AN ACT making appropriations for certain expenses of government, for the year one thousand eight hundred and fifty-eight.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, the several sums, or so much thereof as may be necessary in each case, for the purposes and to the persons respectively hereinafter specified; but when an appropriation for the same purposes, or to the same person for the same purpose, shall have been paid by any other act, or by

any officer of government, the same herein directed to be paid shall not be deemed in addition to such other appropriation, unless so expressly declared herein.

EXPENSES OF THE LEGISLATURE.

Messengers. For compensation of the messengers of the senate and assembly, and those in addition to the number provided for by chapter five hundred and thirty of the Laws of one thousand eight hundred and fifty-three, six thousand dollars, or so much thereof as may be necessary; each messenger to be paid at the rate of one dollar and fifty cents per day, for actual service.

Clerk. To David Wilson, for extra compensation, in addition to his salary as clerk of the assembly, the sum of three hundred dollars.

To J. Moreau Smith, for his services as deputy clerk of the assembly, the sum of six hundred dollars.

Deputy clerks. To Joseph B. Cushman, journal clerk, four hundred dollars; and to Edwin O. Perrin, George M. Van Nort, Richard C. Bentley and J. Moreau Smith, deputy clerks of the assembly, each the sum of two hundred dollars, in addition to their salaries, and the same allowance for mileage as is made to members of the assembly, to be certified by the speaker.

Ibid. To Alexander M. C. Smith, Jr., for assisting the journal clerk of the assembly, the sum of six hundred dollars.

To Matthew O. Hallenbeck, for services rendered in copying the journal, the sum of fifty dollars.

Messengers. To Douglas A. Levien, Jr., bank messenger of the assembly, two dollars per day, to be certified by the speaker.

To Daniel W. Merchant, clerk's messenger, at the rate of two dollars per day, to be paid on the certificate of the clerk of the assembly.

To the messengers of the speaker, the sergeants-at-arms, and the post-masters of the assembly and senate, each two dollars per day for their services, to be certified by the speaker and president.

J. B. Cushman. To Joseph B. Cushman, for his services as clerk to the select committee of sixteen, the sum of one hundred dollars.

Cleaning capital. The sum of eighteen hundred dollars is hereby appropriated, or so much thereof as may be necessary, for the payment of the several women employed in cleaning the senate and assembly chambers, and the various rooms connected therewith, from the second day of February to the

close of the present session of the legislature, each of them to receive two dollars per day, to be certified by the superintendent of the capitol.

To P. Masterson, and the other firemen employed about ^{Firemen.} the capitol and state library, each the sum of three dollars per day for their services, from the second day of February to the close of the present session of the legislature, to be certified by the superintendent of the capitol.

For the night watch at the capitol, at the rate of three ^{Night watch.} dollars for each night's services, from the first of February to the close of the present session of the legislature, to be certified by the superintendent of the capitol.

To P. H. Lasher, sergeant-at-arms of the assembly, one ^{Sergeant-at-arms.} hundred and sixty-three dollars, in addition to his compensation provided by law.

To the following officers of the assembly, viz: Peter Van ^{Officers of assembly.} Olinda, janitor, Jonas H. Bixby, keeper of the assembly chamber, each three dollars per day for the time actually serving, and an additional compensation of one hundred and sixty-three dollars each, and the same allowance for mileage as allowed to a member of assembly; and to George O. Jones, assistant sergeant-at-arms, Peter J. Cooke, door-keeper, and John Davis, James Swarthout, A. V. V. Dodge, Peter Sickels, C. D. Easton, Jacob Snyder, and George W. Chadsey, William P. Hackett, John H. Anderson and Ephraim Stewart, assistant door-keepers, each one hundred and sixty-three dollars, in addition to the compensation now provided by law, and the same allowance for mileage allowed to a member of the assembly.

To each of the persons acting as officers of the assembly, ^{Officers, &c.} previous to the organization, who were paid at the rate of three dollars per day, the sum of one dollar per day in addition to the amount heretofore paid to them.

To Nelson L. Arms, for services as messenger in the ^{N. L. Arms.} clerk's library of the assembly, at the rate of two dollars per day for actual service, to be certified by the clerk.

To the clerk of the Assembly, for extra clerical hire in ^{Clerk assembly, indexing.} engrossing and copying, five hundred dollars, and two hundred and fifty dollars additional for indexing the journal and documents of the assembly.

To George B. Sherril, librarian of the assembly, twenty- ^{Librarian.} five dollars for preparing the annual statistical list of the assembly.

Assistant
journal
clerk.

To Matthew O. Hallenbeck, for assisting the journal clerk of the assembly, previous to the organization of the house, the sum of one hundred dollars.

Postmaster.

To John J. Reilley, postmaster to the assembly, three hundred dollars for his salary, and mileage the same as the members of the assembly, and the sum of one hundred dollars for extra services.

Assistant
postmaster.

To John Nugent, assistant postmaster of the assembly, three hundred dollars for his salary, and mileage the same as members of the assembly, and the sum of one hundred dollars for extra services.

Librarians.

To George B. Sherrill, librarian, and Henry C. Wright assistant librarian, additional compensation, so as to make their compensation equal to four hundred dollars, the same as that of postmaster and assistant postmaster to the assembly.

Sergeant-at-
arms, ex-
tra, &c.

To P. H. Lasher, sergeant-at-arms, for expenses in subpoenaing witnesses, mileage, and other expenses, in the contested seat of James Frazee, S. H. Cook, contestant, the sum of seventy-two dollars and six cents; also like expenses of witnesses before the Castle Garden investigating committee, the sum of one hundred and ten dollars and forty-five cents.

Subpoenaing
witnesses.

To the same for subpoenaing witnesses in the contested seat of John G. Seeley, J. A. Dolan, contestant, the sum of seventy-two dollars and fifteen cents. To the same for subpoenaing witnesses to attend before the Brooklyn corruption committee, the sum of nineteen dollars and fifty cents.

Contested
seats.

To James A. Dolan, for expenses incurred in counsel fees and witnesses, taking affidavits, &c., to contest the seat of John G. Seeley, the sum of three hundred and twenty dollars, and also the same per diem and mileage allowed to a member of assembly.

Ibid.

To John G. Seeley, for expenses and counsel fees incurred in defending his election as member of assembly, which was contested by James A. Dolan, three hundred dollars.

Deputy
clerk of as-
sembly pre-
vious to or-
ganization.

To each of the four persons acting as deputy clerks of the assembly, previous to its organization, the sum of two dollars per day, in addition to the amount heretofore paid to them.

Clerk of
senate.

To Samuel P. Allen, for extra compensation, in addition to his salary as clerk of the senate, the sum of three hundred dollars; for extra clerical hire in engrossing and copying, five hundred dollars, and for indexing the jour-

nals and documents of the senate, two hundred and fifty dollars.

To Henry J. Sickles, as deputy clerk of the senate, six hundred dollars. Deputy clerk of senate.

To George R. Waldron, librarian, Nicholas A. Finnegan, assistant postmaster, Joseph Garlinghouse, janitor, and Nathaniel Goodwin, superintendent of the senate chamber, each three dollars per day for their services, to be certified by the president of the senate. Officers of senate.

To William Stephens, bank messenger, at the rate of two dollars per day, to be paid upon the certificate of the clerk of the senate. Bank messenger.

To James Terwilliger, journal clerk of the senate four hundred dollars; Henry J. Sickles, Asahel N. Cole, Charles G. Fairman, deputy clerks of the senate, the sum of two hundred dollars each, in addition to their salaries, and the same allowance for mileage as is made to the senators, to be certified by the president of the senate. James Terwilliger.

To the following officers of the senate, viz: George R. Waldron, librarian; Henry W. Dwight, sergeant-at-arms; Simeon Dillingham, assistant sergeant-at-arms and postmaster; Nicholas A. Finnegan, assistant postmaster; Richard U. Owen, door-keeper; Henry W. Shipman, Samuel Ten Eyck and James C. Clark, assistant door-keepers; Joseph Garlinghouse, janitor; Nathaniel Goodwin, superintendent of the senate chamber, each one dollar per day in addition to the compensation now provided by law, and the same allowance for mileage as is made to the senators, to be certified by the president of the senate. Officers of senate, extra compensation.

To Samuel P. Allen, for the compilation, printing and binding of a digest of all claims acted upon by the legislature and by the canal board, from its organization, to March, eighteen hundred and fifty-seven, and the awards of the canal appraisers from eighteen hundred and eighteen to eighteen hundred and fifty-eight, pursuant to the resolution of the senate, and for clerk hire in the preparation of the work, the sum of four thousand dollars, to be paid on accounting for the books to the comptroller, for the use of the state. S. P. Allen, digest of claims.

To William Quinn, president's page of the senate, two dollars per day for each day's actual service, to be certified by the president of the senate. President's page.

The sum of three hundred and forty-eight dollars is here- by appropriated for the payment of John Lawless, John Fremont.

Feely, John Gardiner and Abraham Vosburgh, firemen employed about the capitol and state library, during the present session of the legislature, from the fourth day of January to the first day of February, both days inclusive, each the sum of three dollars per day for their services, to be certified by the late superintendent of the capitol.

Cleaning
senate and
assembly
chamber.

The sum of six hundred and seventy-six dollars is hereby appropriated for the payment of Mary Gibson, and the other women employed in cleaning the senate and assembly chambers, and the other rooms connected therewith, during the present session of the legislature, from the fourth day of January to the first day of February, both days inclusive, each of them to receive two dollars per day for their services, to be certified by the late superintendent of the capitol.

Night
watch.

The sum of eighty-seven dollars is hereby appropriated for the payment of the night watchmen at the capitol, during the present session of the legislature, from the fourth day of January to the first day of February, both nights inclusive, at three dollars per night for each night's service, to be certified by the late superintendent of the capitol.

W. C. Little
& Co.

To W. C. Little & Co., for Session Laws, furnished the assembly library pursuant to a resolution of the house, eighty-two dollars and fifty cents.

Manual.

For extra copies of the Legislative Manual, maps and diagrams, eight thousand nine hundred forty-three dollars and fifty cents, or so much thereof as may be necessary, to be paid on the certificates of clerks of the senate and assembly, and secretary of state.

Civil list.

For the Civil List for the senate and assembly and state officers, two thousand eight hundred and thirty-eight dollars, or so much thereof as may be necessary, to be paid on the certificates of the clerks of the senate and assembly, and secretary of state.

Wm. Rich-
ardson.

To William Richardson, late clerk of the assembly, for his services in re-arranging and classifying the papers on the files of the assembly, as directed by a resolution of that body; for preparing a catalogue of books in the assembly, library, and performing and supervising the other work he was directed to do by chapter 784 of the laws of 1857, the unexpended balance of the appropriation made by said act for the aforesaid purposes.

Ibid.

To William Richardson, for his services in revising, preparing and publishing and mailing the Clerk's Manual of rules, forms and laws, one hundred dollars.

To C. S. Underwood, for services and expenses as clerk ^{C. S. Underwood.} to the committee on state prisons of the assembly, during the investigation of charges concerning the Auburn prison, thirty dollars.

To Charles A. Wheaton, for his attendance upon the committee and subpoenaing witnesses in the investigation of ^{Charles A. Wheaton.} charges concerning the Auburn prison, twelve dollars.

To John Linskey, for his services and expenses in subpoenaing witnesses to appear before the committee on com- ^{John Linskey.} merce and navigation, thirty-nine dollars.

To Spence Spencer, for copying contracts for convict ^{Spence Spencer.} labor, per order of resolution of the senate of one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, sixty dollars.

To the clergymen who officiated as chaplains during the ^{Clergymen.} session of the legislature, six hundred dollars, or so much thereof as may be necessary, to be paid to the Rev. I. N. Wyckoff, and to be distributed by him at the rate of three dollars per day among the clergymen, for their actual attendance, and who are entitled to receive the same.

For deficiency in the appropriation for postage on news- ^{Postage, (deficiency).} papers and documents received and forwarded by members of the legislature, three thousand dollars, or so much thereof as may be necessary.

To Thomas Kirkpatrick, for his services and expenses in ^{Thos. Kirkpatrick.} assisting the senate committee on state prisons in investigating the claim of James G. Wilson, late contractor of Sing Sing prison, one hundred dollars.

To William Hotchkiss, for his services and expenses in ^{Wm. Hotchkiss.} assisting the senate committee on state prisons in investigating the claim of James G. Wilson, late contractor at Sing Sing prison, one hundred dollars.

To Edward F. Underhill, for his services as clerk of the ^{E. F. Underhill.} select committee of the assembly, appointed to investigate the affairs of the Castle Garden emigrant depot, two hundred and fifty dollars.

To William Harkness, for his services as clerk of the ^{Wm. Harkness.} committee of the assembly appointed to investigate the affairs of the Castle Garden emigrant depot, eighty dollars.

To James Frazee, for expenses incurred in counsel fees ^{James Frazee.} and witnesses, taking affidavits, &c., in defending his election as member of the assembly, which was contested by Sidney H. Cook, three hundred and fifty-five dollars.

To Sidney H. Cook, for expenses incurred in counsel ^{S. H. Cook}

fees, witnesses, &c., in contesting the seat of James Frazee as member of assembly, four hundred and forty-seven dollars and fifty cents, and the same compensation per diem and mileage allowed to a member of the assembly.

T. S. Gillett. To T. S. Gillett, for his services as clerk of the committee in relation to the Brooklyn corruption case, twenty-five dollars.

Wm. D. Reilly. To William D. Reilly, for his services as clerk of the committee on engrossed bills of the assembly, twenty-five dollars.

A. P. Harris. To Asa P. Harris, for subpoenaing witnesses in the investigation of the condition of the art union, in one thousand eight hundred and fifty-three, the sum of forty-five dollars.

H. W. Dwight. To H. W. Dwight, for his services and expenses in subpoenaing witnesses in the case of John McIntyre's claim for dredging the Whitehall harbor, by order of the committee on finance, two hundred and sixty-three dollars and sixty-five cents; also for subpoenaing witnesses on the charge of corruption against some senator, and in the case of John Hutchinson, before the committee on claims, thirteen dollars and fifty cents.

STATE OFFICERS, ETC.

Counsel, &c. For expenses of counsel and investigating sundry claims by the canal appraisers, per chapter six hundred and forty-one of the laws of one thousand eight hundred and fifty-seven, the sum of six hundred dollars.

Canal appraisers' office. For additional compensation to the clerk in the canal appraisers' office, four hundred dollars; and the further sum of two hundred dollars expended for extra clerk hire, to be certified by the appraisers and to be paid from the canal fund, on the warrant of the auditor.

Sheriffs fees, &c. For deficiency of appropriation for costs of suit, fees of sheriffs and witnesses in suits prosecuted or defended by the attorney-general for the people, for counsel to assist the attorney-general, and for expenses and disbursements by the attorney-general, as may be authorized by law, the sum of thirty-two hundred dollars.

Henry Fitzhugh. To Henry Fitzhugh, late canal commissioner, for services in making canal commissioners' report for one thousand eight hundred and fifty-eight, after the expiration of his term of office, and also reports upon Cayuga marshes and Owasco improvement, four hundred dollars, to be paid from the canal fund on the warrant of the auditor.

To Silas Seymour, late state engineer and surveyor, for Silas Sey-
mour. services in making canal and railroad reports, after the expiration of his term of office, five hundred dollars, to be paid from the canal fund on the warrant of the auditor.

To the deputy treasurer, for additional compensation for Deputy
treasurer the year one thousand eight hundred and fifty-eight, for services connected with the banking department, five hundred dollars, and the same shall be charged in the general expenses of said department.

To the accountant and transfer officer of the comptroller's office, for additional compensation for the current fiscal Accountant
and transfer
officer. year, four hundred and fifty dollars.

For clerk hire of the railroad department, transferred to the state engineer and surveyor, per chapter six hundred and thirty-three, laws of one thousand eight hundred and fifty-seven, the sum of sixteen hundred dollars, or so much thereof as may be necessary, and the same shall be paid and refunded to the treasury by the several railroad companies of this state, in the manner as was provided per chapter five hundred and twenty-six of the laws of one thousand eight hundred and fifty-five. R. R. de-
partment.

For extra clerk hire in the state engineer and surveyor's office, fifteen hundred dollars, to be paid out of the canal Extra clerk
hire, state
engineer, &c. fund on the warrant of the auditor.

For extra clerk hire in the comptroller's office, the sum of three thousand dollars, or so much thereof as may be necessary to enable the comptroller to prepare for and make a sale of the lands returned for arrears of taxes in the years one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five. Extra clerk
hire, comp-
troller.

For deficiency in clerk hire, in the treasurer's office, for the year commencing first of October, one thousand eight hundred and fifty-seven, the sum of one thousand dollars. Treasurer's
office, defi-
ciency in
clerk hire.

To William H. Mink, for additional compensation as Wm. H.
Mink. superintendent of the state hall, for the year one thousand eight hundred and fifty-seven, the sum of one hundred and thirty-five dollars.

To the deputy secretary of state, for additional compensation as clerk to the commissioners of the land office, from first of January to the first of October, one thousand eight hundred and fifty-eight, the sum of one hundred and eighty-seven dollars and fifty cents. Deputy sec-
retary of
state.

Indexing
session laws.

For indexing the session laws and documents for the year one thousand eight hundred and fifty-eight, to be paid on the certificate of the secretary of state, the sum of three hundred dollars, when done to the satisfaction of the secretary of state.

Deficiency
in clerk hire,
secretary of
state.

For deficiency in clerk hire in the office of the secretary of state, for the current fiscal year, seventeen hundred dollars; and the further sum of one thousand dollars for extra clerk hire.

Colonial
history, ex-
pense, &c.

For incidental expenses connected with the transfer of the Colonial History from the office of the secretary of state to the regents of the university, to be paid on the certificate of the secretary of state, the sum of one hundred dollars.

A. N. Wake-
field.

To A. N. Wakefield, for extra services in the office of the secretary of state, the sum of two hundred dollars.

Charles W.
Ward.

To Charles W. Ward, for extra services in the office of the secretary of state, the sum of two hundred dollars.

David
Vaughn.

To David Vaughn, for preparing the senate and assembly register books, in the office of the secretary of state, for the years one thousand eight hundred and fifty-seven and one thousand eight hundred fifty-eight, payable on the certificate of the secretary of state, the sum of thirty dollars.

Orville L.
Holley.

To Orville L. Holley, for his services in making indexes to the books of patents and of deeds, in the secretary's office, for the fiscal year commencing on the first of October, eighteen hundred and fifty-seven, the sum of eight hundred dollars.

Binding
census, &c.

For compiling, preparing and binding the original returns of the census of this state, taken in the year eighteen hundred and fifty-five, comprising eighty-four volumes for the state library, the sum of eight hundred and fifty dollars, payable on the certificate of the secretary of state.

Royal
chamber-
lain.

To Royal Chamberlain, for extra services and help employed in the comptroller's office in making up insurance report, reading proof and arranging the same, two hundred dollars; and for expenses incurred and services rendered in visiting Boston, New York and Philadelphia, to collect marine duties which accrued prior to the first of September, eighteen hundred and fifty-seven, due the state from the agents of marine insurance companies of other states, under the act of eighteen hundred and thirty-seven, the sum of five hundred dollars.

Governor's
private sec-
retary.

To the private secretary of the governor, for deficiency in his salary under the laws of eighteen hundred and fifty-

eight, chapter sixty-four, the sum of two hundred and fifty dollars.

For deficiency for clerical services and messenger in the executive department, under the laws of eighteen hundred and fifty-eight, chapter sixty-four, the sum of five hundred and two dollars and fifty cents. Executive department.

To David Wilson for making a general index to the bond books in the treasurer's office in eighteen hundred and fifty-seven, the sum of three hundred dollars. David Wilson.

For making out a complete register of all the state property in the hands of the militia and in arsenals of this state, and for making out the forms referred to and required by the general regulations of eighteen hundred and fifty-eight, to be paid on the certificate of the adjutant-general, the sum of six hundred dollars, or so much thereof as may be necessary. Militia forms, &c.

To Franklin B. Hough, for his salary from the first of September to the thirty-first of December, eighteen hundred and fifty-seven, for services in the census department of the secretary's office, four hundred dollars, and the further sum of twenty-eight dollars and fifty cents for traveling expenses, incurred under the direction of the secretary of state. F. B. Hough.

To Beverly R. Hasbrouck, for extra service rendered by him as a clerk in the comptroller's office during the years eighteen hundred and fifty-two eighteen hundred and fifty-three and eighteen hundred and fifty-four, the sum of five hundred and sixty-seven dollars. B. R. Hasbrouck.

For deficiency in clerk hire in the engineer and surveyor's office, the sum of two hundred and sixty-three dollars. Engineer and surveyor's office, deficiency in clerk hire.

To William G. Thompson, for his services as assistant clerk in the office of the clerk of the court of appeals, from the first day of January, eighteen hundred and fifty-seven, to the first day of May, eighteen hundred and fifty-seven, three hundred and sixty dollars. Wm. G. Thompson.

To George W. Scott, for his services as clerk in the office of the clerk of the court of appeals, for eight months, ending first of April, eighteen hundred and fifty-eight, the sum of four hundred dollars, in addition to the sum heretofore appropriated for clerk hire in said office. G. W. Scott.

To James M. Whelpley, for extra services in the office of the clerk of the court of appeals, in arranging the papers of the late court of chancery and supreme court, three hundred dollars. James M. Whelpley.

J. B. Law-
yer.

To Joseph B. Lawyer, for deficiency in his salary as clerk in the comptroller's office in the years one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, and for extra services in said office in the year one thousand eight hundred and fifty-five the sum of three hundred and thirty-three dollars.

N. P. Stan-
ton.

To N. P. Stanton, for indexing the Session Laws for the years one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, two hundred dollars, or such a sum as will make, in addition to what has already been paid, the sum of six hundred dollars, to be paid on the certificate of the secretary of state.

Duncan
Campbell.

To Duncan Campbell, for extra services as assistant adjutant-general, to be certified by the adjutant-general, for the year one thousand eight hundred and fifty-eight, a sum not exceeding four hundred dollars.

Railroad de-
partment,
clerk hire.

For extra clerk hire in the state engineer and surveyor's office in the railroad department, in one thousand eight hundred and fifty-seven, and in preparing reports for one thousand eight hundred and fifty-seven, and superintending the printing of the same, the sum of nineteen hundred and sixty-one dollars, or so much thereof as may be necessary, to be paid on the certificate of the late state engineer and surveyor, and the same shall be paid and refunded to the treasury by the several railroad companies of this state, in the manner as was provided per chapter five hundred and twenty-six of the laws of one thousand eight hundred and fifty-five.

Superin-
tendent of
public in-
struction.

To the superintendent of public instruction, for extra clerk hire for the current year, the sum of five hundred dollars.

Miscellaneous.

Levi S.
Backus.

To Levi S. Backus, for furnishing a newspaper called the Radii, to the deaf and dumb persons of this state, for the fiscal year, commencing first October, one thousand eight hundred and fifty-seven, per chapter three hundred and twenty-nine, laws of one thousand eight hundred and thirty-nine, three hundred dollars.

Books for
transfer
office, &c.

For the purchase of books and stationery for the transfer office at the Manhattan company, one hundred and forty-one dollars and forty cents.

I. V. Van-
derpoel.

To I. V. Vanderpoel, treasurer, for expenses incurred by him in sending a messenger to Rochester and Oswego, to procure the approval of the president of the senate and speaker of the assembly of his bond to the people of this

state for the faithful execution of the duties of his office, twenty-nine dollars and seventy-four cents.

For deficiency in the appropriation for the fiscal year ^{Fugitive.} commencing first October, one thousand eight hundred and fifty-seven, for the apprehension of fugitives from justice, five thousand dollars.

To J. L. Yates, for work done and materials furnished in ^{J. L. Yates.} making blinds, &c., for the geological hall, in one thousand eight hundred and fifty-six, as certified by the secretary of the regents of the university, one hundred and thirty-four dollars and thirty-six cents.

For expenses of procuring the reports of the court of ^{Reports of court of ap-} appeals and of the supreme court to be transmitted by the ^{peals.} governor to such states as may exchange with this state, five hundred dollars.

To the legal representatives of P. B. Babcock, deceased, ^{P. B. Bab-} for allowance to him as a member of the assembly in one ^{cock.} thousand eight hundred and fifty-seven, as per resolution of the house, sixty-nine dollars.

To Hon. Alexander Bowen, or his legal representatives, ^{Alex. Bow-} for allowance to him as a member of the assembly in ^{en.} eighteen hundred and fifty-seven, as per resolution of the assembly of that year, three hundred dollars.

For deficiency in the appropriation for the improvement ^{Owasco} of the Owasco lake outlet, three thousand one hundred and ^{outlet.} seventy-nine dollars and fifty-six cents.

To B. Davis Noxon and George F. Comstock, for in- ^{Noxon and} terest which accrued on the purchase money, up to May ^{Comstock.} twenty-eighth, one thousand eight hundred and fifty-seven, for certain lands purchased of them by the commissioners of the land office, for the sum of fourteen thousand five hundred dollars, for the manufacture of coarse salt, one thousand one hundred and seventy-eight dollars and sixty-eight cents.

The sum of one hundred thousand dollars is hereby appro- ^{Temporary} priated for the re-payment of temporary loans, and the interest ^{loans by} thereon, made by the comptroller, or which may be required ^{comptroller.} for the support of government.

To Anson Herrick, assignee of Herrick and Ropes, pro- ^{Anson} prietors of the New York Atlas, for publishing notices in ^{Herrick.} said paper in one thousand eight hundred and fifty-three and one thousand eight hundred and fifty-four, by order of M. I. Lockwood, agent of the Sing Sing state prison, the sum of thirty dollars.

Medal of Dr.
Kane.

To the governor, for the purpose of procuring electro-types of the medal presented to Dr. Kane, fifty dollars.

W. C. Little.

To W. C. Little, for books for the attorney general's library, the sum of four hundred and ten dollars and forty cents, or so much thereof as may be necessary, payable on the certificate of the attorney-general.

Lemmon
case.

For counsel in the Lemmon slave case, the sum of two thousand dollars; and the further sum of five hundred dollars, for costs and expenses of attorney, payable on the certificate of the governor.

Henry D.
Boughton.

The sum of one hundred and seventy-five dollars, or so much thereof as may be necessary, is hereby appropriated to pay the claim of Henry D. Boughton against the Bank of Lyons, on satisfactory evidence being furnished to the superintendent of the banking department of the validity of said claim, who is hereby authorized to inquire into and settle said claim, and to pay such sum out of the moneys belonging to the bank fund, or which were paid into the treasury on account of the assets of said bank, as he would equitably have been entitled to if his claim had been duly proved and submitted to the receiver of said bank.

Daniel E.
Sickles.

To Daniel E. Sickles, for expenses and costs in defending his right to his seat in the senate, against the claims of Thomas J. Barr, four hundred dollars.

H. E. Baker.

To Hezekiah Baker, for his services as counsel for Thomas J. Barr in contesting the seat in the senate held by Hon. Daniel E. Sickles, the sum of one hundred and fifty dollars.

Benj. Brand-
reth.

To Benjamin Brandreth, for expenses and costs in contesting the seat of John W. Ferdon, in the senate, four hundred and fifty-eight dollars.

Monroe
Henderson.

To Monroe Henderson, for costs in contesting Queens county clerkship, four hundred and eleven dollars and twenty-nine cents.

Charles
Cook.

To Charles Cook, five hundred dollars, being the amount of Hathaway, Diven and company against said Cook, for counsel fees and services in relation to alleged canal frauds.

Norman and
Hughes.

To Henry H. Norman and E. Darwin Hughes, the sum of one hundred and sixty-four dollars, for costs in defense of a suit prosecuted against them by Letta Harr Tyrrell, according to the direction of the canal commissioner in charge of the western division, payable from any moneys appropriated for the enlargement of the Erie canal, on the warrant of the auditor; this appropriation being in lieu of a like appropriation made by chapter four hundred and sixty-three, laws of one thousand eight hundred and fifty-seven.

To Amaziah D. Barber, for counsel fees, costs and disbursements paid by him in defending the suit brought against him by the attorney-general, on the relation of Joseph J. Chambers, to try the right of said Barber to the office of harbormaster, the sum of three hundred dollars, to be in full of all costs and counsel fees therein. A. D. Barber

To Henry E. Davies, for his costs, counsel fees and expenses incurred by him in an action brought by the people of this state, upon his relation, against Edward P. Cowles, for the purpose of obtaining possession of the office of justice of the supreme court, in the first judicial district, to be verified by oath, and to be certified by a justice of the supreme court to be just and reasonable, a sum not exceeding ten hundred dollars. EX-Henry E. Davies.

To Edward P. Cowles, for his costs and counsel fees, and expenses incurred by him in defending an action brought by the people of this state against him in relation to the office of justice of the supreme court, in the first judicial district, to be verified by oath and certified by a justice of the supreme court to be just and reasonable, a sum not exceeding six hundred dollars. E. P. Cowles

To Garra K. Lester, for his extra counsel fees and expenses paid and incurred by him in defending an action brought against him by the attorney-general in the name of the people of this state, to oust him from the office of school commissioner for the first district in Erie county, and for his salary as such commissioner for the last quarter of the year one thousand eight hundred and fifty-six, and the first quarter of the year one thousand eight hundred and fifty-seven, the sum of six hundred and thirty-five dollars and six cents. Garra K. Lester.

For the balance due for printing the Session Laws of one thousand eight hundred and fifty-seven, payable to the printer on the certificate of the secretary of state, six hundred and seventy-five dollars. For printing session laws

To Morgan L. Schermerhorn, for arranging, annotating and indexing such papers in the archives of the state as may be deemed to have an important relation to the revolutionary war and to the history of the state of New York previous to the year one thousand eight hundred, under the concurrent resolution of the senate and assembly, passed April first and fifth, one thousand eight hundred and fifty-six, twelve hundred dollars, payable on the certificate of the secretary of the regents of the university. M. L. Schermerhorn.

H. A. Sam-
son.

To Henry A. Samson, for costs and counsel fees in the case of the people of the state of New York, upon the relation of William C. Little and William C. Little, in full, one hundred and twenty-five dollars.

Code of
public in-
struction.

To Weed, Parsons and company, for balance due for printing the code of public instruction, pursuant to chapter thirty-six, laws of eighteen hundred and fifty-six, and chapter five hundred and forty-one, laws of eighteen hundred and fifty-seven, eight hundred and forty-two dollars and forty-three cents, to be paid from the school fund. Also for blanks, advertising and printing for the executive department, in the year eighteen hundred and fifty-six, one hundred and six dollars and seventy-five cents. For deficiency for the Red Book in eighteen hundred and fifty-seven, ninety-seven dollars and twenty-two cents; for Croswell's Manual, furnished to the legislature of eighteen hundred and fifty-eight, two hundred and sixty-two dollars and fifty cents.

Superin-
tendent of
public in-
struction.

To the superintendent of public instruction, to pay the expenses of distribution of the Code of Public Instruction, pursuant to section four, chapter thirty-six, laws of eighteen hundred and fifty-six, three hundred dollars, or so much thereof as may be necessary.

K. Danforth.

To E. Danforth, for his costs and expenses in a suit by the people of this state against him, in reference to the office of school commissioner, and in full for all claims against the state by reason of his holding such office, one hundred dollars.

E. B. O'Cal-
laghan.

To E. B. O'Callaghan, for making a general index of the Colonial History, as directed by chapter eighty-one, laws of eighteen hundred and fifty-eight, to be paid on the certificate of the regents of the university, fifteen hundred dollars or so much thereof as the regents of the university may deem necessary.

R. L. Ross.

To R. L. Ross, additional compensation for services as clerk in the canal department, from February first, eighteen hundred and fifty-six to June 1st, eighteen hundred and fifty-seven, and from October first, to December twenty-third, eighteen hundred and fifty-seven, three hundred dollars.

Thos. Mc-
Laughlin.

To Thomas McLaughlin, for preparing, for the printer, the list of those who served in the New York regiments during the war of the revolution, and assisting in the preparation of the general index to the Colonial History, eight hundred dollars, to be paid on the certificate of the regents of the university.

To A. J. H. Duganne, for his services as secretary of the select committee appointed to examine the condition of the tenant houses of New York and Brooklyn, five hundred dollars; and to Douglas A. Levien, for his services as short hand reporter to such committee, three hundred dollars.

To Franklin B. Hough, for arranging and indexing papers formerly in the hands of Abraham B. Banker, clerk of the senate, under concurrent resolution of April first and sixth, eighteen hundred and fifty-six, the sum of three hundred and five dollars and eight cents.

To the trustee of the state library, one hundred and seventy dollars, for the cost of binding the papers formerly in the hands of Abraham B. Banker, clerk of senate.

To James Dodds, one hundred dollars for the case for the swords of the late General Worth, deposited in the state library by concurrent resolution of the legislature, of February fourth and eighth, eighteen hundred and fifty-eight, or so much thereof as the trustees of the library may certify to be due to him for the same.

To Pruyn & Lansing, for balance due for boilers furnished the Clinton state prison, two hundred and forty dollars and sixty-two cents, upon satisfactory evidence being furnished to the comptroller that the same is due.

To the superintendent of the capitol, for expenses incurred in fitting up and repairing the basement of the capitol, two hundred and fifty-dollars.

The sum of seven thousand dollars, or so much thereof as may be necessary, to pay the balance of expenses incurred for the alteration and fitting up the state geological hall; such expenses to be audited and allowed by the comptroller.

The sum of six hundred dollars is hereby appropriated to pay William Tracey for legal services in relation to the Lewis County Bank, to be audited by the superintendent of the banking department, and to be a charge upon the expenses of said department for incorporated banks.

To the board of commissioners, to provide for the adjustment and payment of certain claims for the services of the militia of this state in the war of one thousand eight hundred and twelve, under chapter five hundred and ninety-seven of the Laws of one thousand eight hundred and thirty-seven, a sum not exceeding five hundred dollars, for office rent, clerk hire and stationery, to be paid on the

vouchers being presented and audited by the comptroller; such sum to be repaid out of any moneys hereafter received from the United States for the purposes of the said act of one thousand eight hundred and fifty-seven.

John E.
Gavitt.

To John E. Gavitt, for stationery furnished the executive department in one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six, ninety-eight dollars and sixty-three cents.

H. A.
Holmes.

To Henry A. Holmes, for services in preparing the quinquennial catalogue of the state library, and also the catalogue of the bibliographical collection, under the direction of the regents of the university and by order of the legislature, five hundred dollars, and state librarian and Elisha W. Skinner and John Hickox, the sum of two hundred dollars each for the like services.

Commissary
general.

To the commissary-general, for moneys paid by him for the services of persons employed by the order of the governor to protect the state arsenal in the city of New York, during the apprehension of riots in that city, in one thousand eight hundred and fifty-seven, to be certified by the governor, twelve hundred dollars, or so much thereof as may be necessary.

B. F. Green.

To B. F. Green, for balance due him for surveying Indian lands, one hundred and seventeen dollars and ninety-two cents.

Onondaga
salt springs.

For the expenses of the Onondaga salt springs, in addition to the sum of thirty-five thousand dollars appropriated for one thousand eight hundred and fifty-eight, fifteen thousand dollars.

Asylum for
idiots.

For money expended in furnishing and finishing the state asylum for idiots, seven thousand five hundred dollars.

Inspectors of
state prisons

To the inspectors of state prisons, for traveling expenses, two thousand and twenty-five dollars, and two thousand dollars for rebuilding the separator at Clinton prison, lately destroyed by fire.

George
Jenkins.

To George Jenkins, late superintendent of the capitol, for superintending the cleaning and heating the state library in the years one thousand eight hundred and fifty-five, six and seven, three hundred dollars.

W. C. Little
& Co.

To W. C. Little and company, for stationery furnished the executive department in one thousand eight hundred and fifty-six, two hundred and fifty-one dollars and eight cents.

To the superintendent of public instruction, to pay for ^{New York} subscription to the New York Teacher, for gratuitous dis- ^{teacher.}tribution among school officers, twelve hundred dollars, to be paid from the school fund.

For deficiency in the appropriation for the expenses of ^{Expense of} the state hall, five hundred dollars. ^{state hall.}

To the trustees of the village of Newburgh, for repairs ^{Washington} and completion of improvements of Washington head- ^{head-quart-}quarters, five hundred dollars, to be audited by the comp- ^{ers.}troller, and for the improvement of the state grounds in the village of Malone, to be expended under the direction of the trustees of said village, the sum of five hundred dollars, to be audited by the comptroller.

To John Thompson, for counsel fees in defending, by ^{John} direction of the governor, the suit brought by Munson I. ^{Thompson.}Lockwood against William W. Schrugham, to set aside an appointment made by the governor, one hundred and fifty dollars.

To Farley Holmes, to pay for work done on the improve- ^{Farley}ment of the upper level of the Crooked Lake canal, two ^{Holmes.}thousand dollars.

To the executor of Alexander H. Wells, deceased, the ^{A. H. Wells.}sum of two thousand and seven hundred dollars, being the balance due the said Alexander H. Wells, for his services in the suit of the people against Munson I. Lockwood and others.

To Letta Har Tyrrell, for costs in a suit against Henry ^{Letta Har}H. Normam and E. Darvin Hughes, according to the direc- ^{Tyrrell.}tion of the canal commissioner in charge of the western division, three hundred dollars, payable from any moneys appropriated for the enlargement of the Erie canal, on the warrant of the auditor.

To compromise and settle the judgment for thirty-nine ^{The people}thousand six hundred and ninety dollars, and defendant's ^{agt. M. I.}costs, amounting to twenty thousand dollars, against the ^{Lockwood.}people of the state of New York, in the suit of The People against Munson I. Lockwood, William Vail, James W. Smith and Reuben Quimby, commenced by the attorney-general of this state, the sum of twenty thousand dollars, to be paid to the parties entitled to receive the same, upon the state being fully released from all claims, to the satisfaction of the comptroller, as follows:

To John Leveradge, president of the Chatham Bank, the ^{John Lever-}sum of two thousand dollars; to William Vail and James ^{adgo.}

W. Smith, the sum of ten thousand two hundred and ninety dollars, the amount paid by them for referees' and witness fees in said suit; to Edward T. Wood, the sum of three hundred and ten dollars, for his services as clerk in said suit; to Francis Larkin, the sum of three thousand two hundred dollars, for his services as attorney and counsel in said suit; to Marcius L. Cobb, the sum of two thousand four hundred dollars, for counsel fees and services in said suit; to Abram Hyatt, the sum of three hundred dollars, for his service as counsel in said suit; to James W. Smith, the sum of one thousand five hundred dollars, for counsel fees and expenses in said suit.

A. D. Bache. To Professor A. D. Bache, for physical survey of the port of New York, fifteen hundred dollars, or so much thereof as the comptroller shall find has been properly expended in the prosecution of this work.

Deficiency
in binding
laws, &c.

For deficiency of binding the laws and documents of the legislature for the years eighteen hundred and fifty-five and eighteen hundred and fifty-six, to be paid upon the certificate of the secretary of state, when the proper vouchers are submitted to him, the sum of two hundred and fifty dollars, or so much thereof as may be necessary.

Kane medal.

To pay for the Dr. Kane medal, ordered by the legislature, one thousand dollars, to be paid on certificate of the governor.

§ 2. This act shall take effect immediately.

Chap. 329.

AN ACT to transfer moneys appropriated to the completion of the enlargement of the Erie canal, to sundry lateral canals.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Of the appropriation made by the first section of chapter three hundred and sixty-three of the laws of

eighteen hundred and fifty-seven, the sum of eight hundred and ninety-three thousand nine hundred and fifty-three dollars and forty-six cents, unexpended on the first day of January last, is hereby transferred to and appropriated for the following works, viz:

To the enlargement of the Oswego canal, four hundred and sixty-eight thousand four hundred and forty-four dollars and sixty-two cents.

To the enlargement of the Cayuga and Seneca canal, one hundred and twenty-eight thousand seven hundred and thirteen dollars and eighty-four cents.

To the completion of the Black River canal, seventy-six thousand two hundred and sixty-one dollars and seventeen cents.

To the completion of the Genesee Valley canal, forty thousand dollars.

To the enlargement of the locks on the Champlain canal, one hundred and nineteen thousand three hundred and twenty-one dollars and forty cents.

Provided, the said transfer and appropriation to the above works shall not become operative until the act entitled "An act authorizing a loan of three million eight hundred thousand dollars, to complete the enlargement of the Erie canal, shall be ratified by the people and become a law.

To the Genesee Valley canal extension, the sum of sixty-one thousand two hundred and twelve dollars and thirty-six cents.

§ 2. This act shall take effect immediately.

Chap. 330.

AN ACT to amend an act entitled "An act to extend the jurisdiction of the courts of General and Special Sessions of the Peace, in and for the city and county of New York," passed April twelfth, eighteen hundred and fifty-five.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The third section of said act is hereby amended by striking out therefrom the words "from the courts of oyer and terminer of this state, or;" and said third section as hereby amended shall read as follows:

§ 3. Every conviction for a capital offence, or for one punishable as a minimum punishment, by imprisonment in state prison for life, shall be brought before the supreme court and court of appeals, from the said court of general sessions of the peace in and for the city and county of New York, by a writ of error with a stay of proceedings as a matter of right; and the said appellate court may order a new trial, if it shall be satisfied that the verdict against the prisoner was against the weight of evidence or against law, or that justice requires a new trial, whether any exception shall have been taken or not in the court below.

Chap. 331.

AN ACT to amend chapter two hundred and eighty of the Laws of eighteen hundred and forty-five, entitled "An act for the publication of the Session Laws in two newspapers in each county of this State," passed May fourteenth, eighteen hundred and forty-five.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sixth section of an act entitled "An act for the publication of the Session Laws in two newspapers in each county of this state," is hereby amended so as to read as follows:

§ 6. Each of the publishers of such paper so designated as aforesaid, shall be entitled to receive for such publication of all the laws above specified, a sum not to exceed twenty cents for each folio.

§ 2. This act shall take effect immediately.

Chap. 332.

AN ACT in relation to peremptory challenges to Jurors by the people, on trial of indictments.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. On any trial for any offence punishable by death, or by imprisonment in the state prison for the term of ten years, or for a longer time, the people shall be entitled peremptorily to challenge five of the persons drawn as jurors

for such trial, and no more; and on the trial of an indictment for any offence punishable by imprisonment for a less term than ten years, the people shall be entitled peremptorily to challenge three of the persons drawn as jurors for such trial, and no more.

§ 2. Nothing in this act contained shall be deemed to prevent any challenges heretofore allowed either to the array of jurors or to individual jurors.

Chap. 333.

AN ACT making appropriations for the support of the Government, for the fiscal year commencing October first, one thousand eight hundred and fifty-eight.

Passed April 17th, 1858, by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums, or so much thereof as shall be authorized by law, are hereby appropriated to the objects hereinafter expressed, for the fiscal year, commencing on the first day of October, one thousand eight hundred and fifty-eight, and ending on the thirtieth day of September, one thousand eight hundred and fifty-nine, both days inclusive, and to be paid out of the several funds hereinafter mentioned:

FROM THE GENERAL FUND REVENUE.

Governor.	For salary of the governor, four thousand dollars.
Judges of court of appeals.	For salaries of the judges of the court of appeals, twelve thousand dollars.
Justices of supreme court.	For salaries of the justices of the supreme court, one hundred thousand dollars.
Clerk of court of appeals.	For salary of the clerk of the court of appeals, two thousand dollars.
Deputy clerk.	For salary of the deputy clerk of the court of appeals, one thousand five hundred dollars.

For salary of the state reporter, two thousand dollars.	State reporter.
For salary of the attorney-general, two thousand dollars.	Attorney general.
For salary of the deputy attorney-general, one thousand five hundred dollars.	Deputy attorney general.
For salary of the secretary of state, two thousand five hundred dollars.	Secretary of state.
For salary of the deputy secretary of state, and clerk of the commissioners of the land office, one thousand seven hundred and fifty dollars.	Deputy secretary of state.
For salary of the superintendent of public instruction, two thousand five hundred dollars.	Superintendent of public instruction.
For salary of the deputy superintendent of public instruction, one thousand five hundred dollars.	Deputy superintendent.
For salary of the comptroller, two thousand five hundred dollars.	Comptroller.
For salary of the accountant and transfer officer of the comptroller's office, one thousand five hundred dollars.	Accountant, &c.
For salary of the deputy comptroller, two thousand dollars.	Deputy comptroller.
For salary of the treasurer, one thousand five hundred dollars; and for compensation, per chapter one hundred and three, laws of eighteen hundred and fifty-seven, one thousand dollars.	Treasurer.
For salary of the deputy treasurer, one thousand five hundred dollars.	Deputy treasurer.
For salary of the adjutant general, one thousand five hundred dollars.	Adjutant general.
For salary of the assistant adjutant general, one thousand dollars.	Assistant adjutant general.
For compensation of the inspector general, and his expenses, twenty-two hundred and fifty dollars.	Inspector general.
For salary of the commissary general, fifteen hundred dollars.	Commissary general.
For salary of the judge advocate general, one hundred and fifty dollars.	Judge advocate general.
For salary of the private secretary to the governor, two thousand dollars.	Private secretary.
To the governor, for clerks, messenger and clerical services in the executive department, twenty-six hundred dollars.	Messenger.
For salary of the curator of the state cabinet of natural history, one thousand and five hundred dollars.	Curator.
For salary of the superintendent of weights and measures, five hundred dollars.	Superintendent of weights and measures.

Inspectors of state prisons For salaries of the inspectors of state prisons, four thousand eight hundred dollars.

Clerks of court of appeals. For salaries of the clerks in the office of the clerk of the court of appeals, three thousand five hundred and fifty dollars.

Clerks of secretary of state. For salaries of the clerks in the office of the secretary's office, seven thousand dollars.

Clerks of comptroller. For salaries of the clerks in the comptroller's office (including five hundred dollars for contingencies), eleven thousand dollars.

Clerks of sup. pub. instruction. For salaries of the clerks in the office of the superintendent of public instruction, two thousand dollars.

Clerks of treasurer. For salaries of the clerks in the treasurer's office, three thousand dollars.

Clerks of state engineer, &c. For salaries of the clerks in the state engineer and surveyor's office, one thousand six hundred and fifty dollars.

Deputy state engineer. For the salary of the deputy state engineer and surveyor, the sum of two thousand dollars.

Clerk of state engineer railroad, &c. For clerk hire in the office of the state engineer and surveyor, to assist the deputy in preparing railroad reports and statistics, the sum of sixteen hundred dollars.

Salary to be refunded. The salary of the deputy state engineer and surveyor, together with the amount paid to clerks to assist him, shall be paid and refunded to the treasury by the several railroad companies of this state, in proportion to their respective gross receipts, as was provided in chapter five hundred and twenty-six, of the laws of one thousand eight hundred fifty-five.

Clerk of attorney-general. For compensation of clerk for the attorney-general's office, eight hundred dollars.

Messenger of attorney-general. For compensation for messenger in the office of the attorney-general, two hundred and fifty dollars.

Legislature. For compensation of the officers and members of the legislature, ninety thousand dollars.

Stationery, &c., of legislature. For stationery, postage, expenses of committees, pay of witnesses, and other contingent expenses of the legislature, twenty-four thousand dollars.

Manual. For the Legislative Manual, printing, binding, maps and diagrams, one thousand five hundred dollars.

Stationery for public offices, &c. For stationery for the public offices, and for the clerks of the senate and assembly, four thousand five hundred dollars.

Furniture, books, &c., for offices. For furniture, books, binding, blanks, printing and other necessary expenses for the public offices, viz: secretary of state, fifteen hundred dollars; comptroller, fifteen hundred

dollars; superintendent of public instruction, fifteen hundred dollars; treasurer, eight hundred dollars; attorney-general, two hundred dollars; state engineer and surveyor, eight hundred dollars; adjutant-general, fifteen hundred dollars; inspector general, two hundred dollars, and clerk of the court of appeals, eight hundred dollars.

For postage of official letters, &c., of the governor, secretary of state, comptroller, superintendent of public instruction, treasurer, attorney general, state engineer and surveyor, adjutant-general, inspector general, and clerk of the court of appeals, two thousand five hundred dollars. Postage on official letters, &c.

For fuel for the capitol, the state hall, and the state library, two thousand five hundred dollars. Fuel.

For expenses of the capitol, repairs, gas, cleaning, labor, &c., seven thousand dollars. Capitol repairs, gas, &c.

For salary of the superintendent of the capitol, nine hundred dollars. Superintendent of capitol.

For expenses of the state hall, repairs, gas, cleaning, labor, superintendent's compensation, &c., four thousand five hundred dollars. Repairs, &c., of state hall.

For expenses of the hall for the state cabinet of natural history, and the agricultural museum, repairs, cleaning, fuel, gas, &c., one thousand eight hundred dollars. Cabinet of natural history, &c.

For the compensation of the keeper of the hall for the state cabinet of natural history, &c., seven hundred dollars. Keeper of cabinet.

For the salary of the taxidermist of the state cabinet of natural history, five hundred dollars. Taxidermist

For the preservation and increase of the state cabinet of natural history, and of the historical and antiquarian collection annexed thereto, including contingent expenses, eight hundred dollars. Historical, &c., collections.

For the completion of the printing and binding, and the preparation and printing of the plates therefor, of the rules and regulations prescribed for the government of the military force, in pursuance of section one of title nine of chapter three hundred and ninety-eight of the Session Laws of eighteen hundred and fifty-four, and for the preparation of the sample designs therein required, in addition to the sum appropriated by chapter seven hundred and eighty-four of the Session Laws of eighteen hundred and fifty-seven, to be paid upon the certificate of the adjutant-general, the sum of four thousand dollars, or so much thereof as shall be necessary. Military regulations, &c.

Tactics.	For the purchase or military tactics to be distributed to the militia, to be paid upon the certificate of the governor, the sum of six hundred dollars.
State library	For the purchase of books for, and the enlargement of the state library, four thousand dollars.
Ibid.	For binding, lettering and marking books for the state library, twelve hundred dollars.
State library contingent expenses.	For contingent expenses of the state library, cleaning, gas, freight, transportation of journals and documents of the legislature to the several states, and the janitor's compensation, one thousand four hundred dollars.
Salaries of librarians.	For the salaries of the state librarian, assistant librarian, second assistant librarian, and third assistant librarian, four thousand dollars.
Exchanges.	For international and state exchanges by the regents of the university, six hundred dollars.
Incidental.	For incidental expenses of government, seven hundred and fifty dollars.
Constables and criers.	For compensation of constables and criers, for attendance upon the court of appeals, two thousand dollars; and to the criers and constables for the general terms of the supreme court, in the several judicial districts in this state, to be divided pro rata for the number of days service performed, the sum of two thousand dollars, to be certified by the justices of the district.
Rent of governor's house	For the rent and taxes of the house occupied by the governor, three thousand dollars.
Printing.	For printing for the state, including binding, mapping, engraving and publishing official notices, one hundred and five thousand dollars.
Criminals.	For apprehension of criminals, one thousand four hundred dollars.
Fugitives.	For apprehension of fugitives from justice, eight thousand dollars.
Commissary's department.	For the commissary's department, twelve thousand dollars.
Keepers of arsenals.	For pay of keepers of arsenals, two hundred dollars.
Agricultural societies.	For agricultural societies in the several counties, and the state agricultural society for the promotion of agriculture, eight thousand dollars. To the state agricultural society for the continuation of the examination and description of insects of the state, injurious to crops and vegetation, by Dr.

Asa Fitch, the *etomologist** of the society employed for that purpose, the sum of one thousand dollars.

For the regents of the university, for printing, stationery, postage, pay of messenger, and other incidental expenses, one thousand dollars. Printing, &c. for regents.

To the regents of the university, for the purpose of continuing the determinations of longitude, under chapter seven hundred and eighty-four of the laws of eighteen hundred and fifty-seven, two thousand dollars. Longitude.

For expenses of meteorological observations, to be paid under the direction of the regents of the university, six hundred dollars, out of the literature fund.

For the salary of the secretary of the board of regents of the university, two thousand dollars. Salary of secretary of regents.

For the salaries of the officers of the State Lunatic Asylum, six thousand five hundred dollars. Officers of state lunatic asylum.

For the support of insane convicts at the lunatic asylum, three thousand five hundred dollars. Convicts, support of.

For the support of Mark Jack, an insane Indian, at the lunatic asylum, two hundred dollars. Mark Jack.

For the support and maintenance of the several state prisons, two hundred and fifty thousand dollars. State prisons

For pay of sheriffs, for the transportation of convicts to the state prisons, sixteen thousand five hundred dollars. Sheriffs.

For traveling expenses of the state prison inspectors, twenty-seven hundred dollars. State prison inspectors, traveling expenses of.

For expenses of apprehension of escaped convicts, three hundred dollars. Escaped convicts.

For compensation of agents to examine auctioneers' accounts, eight hundred dollars. Agents to examine auctioneers' accounts.

For books, for the use of the convicts in the state prisons, viz: Sing Sing prison, two hundred dollars; Auburn prison, two hundred dollars; Clinton prison, one hundred dollars. Books for convicts.

For the New York Hospital, twenty thousand dollars. New York hospital.

For the New York Institution for the Deaf and Dumb, for support and instruction of two hundred and twenty pupils, thirty-three thousand dollars; provided, that number of pupils shall have been supported and instructed in said institution for the entire year next preceding, or a proportionate amount thereof for a less number of pupils, which fact shall be proved by the oath of the principal officer of said institution. Deaf and dumb.

For the New York Institution for the Blind, for the support and instruction of one hundred and eighty pupils, Institution for blind.

* So in the original.

twenty-seven thousand dollars; provided, that number of pupils shall have been supported and instructed in said institution for the entire year next preceding, or a proportionate amount thereof for a less number of pupils, which fact shall be proved by the oath of the principal officer of said institution.

House of refuge. For the House of Refuge of Western New York, twenty-five thousand dollars.

Idiot asylum. For the Idiot asylum, fifteen thousand dollars.

Juvenile delinquents. For the Society for the Reformation of Juvenile Delinquents in the city of New York, twenty-four thousand dollars.

Indian affairs. For incidental expenses attending Indian affairs, five hundred dollars.

Attorney of Seneca Indians. For pay of attorney of the Seneca Indians, one hundred and fifty dollars.

St. Regis Indians. For pay of the agent of the St. Regis Indians, seventy dollars.

Onondaga. For pay of the agent of the Onondaga Indians, one hundred dollars.

Ibid. For pay of the agent of the Onondaga Indians on the Allegany and Cattaraugus reservations, one hundred and fifty dollars.

Indian lands, removing intruders. For expenses of removing intruders on Indian lands, two hundred dollars.

Public lands survey of. For surveys, appraisments, assessments, and other expenses of public lands, one thousand five hundred dollars.

County clerks' fees. For fees of county clerks, twenty-five dollars.

Surrogates' fees. For fees of surrogates, twenty-five dollars.

Jas. Minor. For annuity to James Minor, sixty dollars.

Courts martial. For expenses of courts martial, five hundred dollars.

Costs of suits, &c. For costs of suits, fees of sheriffs, and witnesses in suits prosecuted or defended by the attorney-general, for the people, and for expenses and disbursements by the attorney-general, as may be authorized by law, four thousand dollars.

Counsel employed, &c. For counsel employed to assist the attorney-general, three thousand five hundred dollars.

Commissioners to examine acc'ts. For pay of the commissioners to examine the accounts of the treasurer, and of the canal and the banking departments, one thousand two hundred dollars.

Refunding certain moneys. For refunding money in cases of failure of title to lands sold by the state, five hundred dollars.

Radii. To Levi S. Backus, for furnishing the "Radii" to the deaf and dumb persons in this state, three hundred dollars.

For furnishing reports of the court of appeals and the supreme court to other states, two hundred and fifty dollars. Reports of supreme court, &c.

For transportation of the Session Laws, journals and documents of the legislature, reports, and the expenses of boxes, three thousand dollars. Session laws

For expenses of furnishing copies of laws by the secretary of state, to county treasurers, for publication, one hundred and fifty dollars. Copies laws.

For salary of the superintendent of the banking department, clerk hire, and contingent expenses, twenty-eight thousand dollars. Supt. Bank Dept., &c.

For expenses of the Onondaga salt springs, thirty-five thousand dollars. Salt springs.

For advances to county treasurers on account of non-resident taxes returned to the comptroller's office, twenty-five thousand dollars. Nonresident lands.

For refunding to purchasers moneys paid into the treasury for redemption of lands sold for taxes, twenty thousand dollars. Redemption of lands.

For refunding erroneous payments into the treasury, on account of taxes, five thousand dollars. Erroneous payments.

For refunding money paid into the treasury through mistake, one thousand dollars. Ibid.

For extinguishment of claims on land owned or sold by the state, one thousand dollars. Claims on land sold by state.

For pay of sheriffs, for transmitting reports of convictions by the courts of special sessions, to the secretary of state, one hundred dollars. Reports of convictions, &c.

For compensation of the keeper of "Washington's Head Quarters," one hundred dollars. Washington's head quarters.

For payment of moneys received for taxes for opening and improving roads, four thousand dollars. Roads.

For interest on state stock issued on account of the Albany basin loan, nine thousand six hundred and twenty-nine dollars and twenty-eight cents. Interest on state stock.

For interest on comptroller's bonds issued to create the school and gospel fund for the benefit of the Stockbridge Indians, two thousand one hundred and sixty dollars. Interest on compta. bonds.

For interest on the loan of fifty thousand dollars, per laws of eighteen hundred and forty-nine, for extraordinary repairs and improvements of the canals, three thousand dollars. Interest on loan law of 1849.

For interest on the Oswego canal loan of two hundred thousand dollars, per chapter five hundred and one, laws of eighteen hundred and fifty-one, twelve thousand dollars. Oswego canal loan.

Interest on
general fund
department.

For the interest on six millions, four hundred and sixty-nine thousand, six hundred and fifty-four dollars and thirty-seven cents, being the amount of the general fund debt chargeable upon the general fund debt sinking fund, three hundred and fifty-four thousand, six hundred and six dollars and ten cents, which sum the comptroller is hereby authorized to transfer from the general fund revenue to the general fund debt sinking fund, or so much thereof as may be required to meet the deficiency in said sinking fund.

Incorporat'd
asylums of
state.

For the incorporated orphan asylums in this state, except the Leake and Watts asylum, in the city of New York, including the society for the relief of destitute children of seamen, in the county of Richmond, in proportion to the average number of children maintained and supported wholly, during the year immediately previous to the making of their several reports, by each of them, which fact shall be proved by the testimony on oath of the principal officer of the asylum, the sum of thirty thousand dollars, but no asylum shall receive over four thousand dollars.

Hospitals.

For the several hospitals in this state, other than those in the city of New York, but including the women's hospital in said city, in pursuance of the provisions of chapter four hundred and ten, of the laws of eighteen hundred and fifty-one, the sum of fifteen thousand dollars, to be divided among the several hospitals in proportion to the number of patients actually treated and occupying beds in the said hospitals, during the year ending the thirtieth day of September, eighteen hundred and fifty-eight, to be established by returns made upon oath, as specified in said act. Buffalo asylum, for widows and lying-in women and foundlings, one thousand dollars.

Asylums for
orphans, &c.
Indian
children.

For the Thomas asylum, for orphan and destitute Indian children, the sum of one thousand dollars, payable quarterly, provided satisfactory evidence is furnished to the comptroller that said institution has supported and educated at least fifty Indian children during the quarter preceding the payment, or in the same proportion for a less number; but the said asylum shall receive no portion of the amount above appropriated for the benefit of the orphan asylums of this state.

Infirmaries.

For the New York Eye and Ear Infirmary, one thousand dollars.

For the Albany Eye and Ear Infirmary, five hundred dollars.

For the New York Dispensary, one thousand dollars.

For the Northern Dispensary, the Eastern Dispensary, the De Milt Dispensary, the North-western Dispensary, and the New York Infirmary for women and children, all in the city of New York, seven hundred and fifty dollars each.

Dispensaries

For the Buffalo City Dispensary, seven hundred and fifty dollars.

For the Brooklyn Dispensary, and Brooklyn Central Dispensary, five hundred and seventy-five dollars each.

For the Williamsburgh Dispensary, five hundred dollars.

For the Albany Dispensary, four hundred dollars.

PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.

For interest on state stock issued on account of the Astor debt, twenty-eight thousand and seventy-five dollars.

Interest on Astor debt.

For interest on state stock issued on account of deficiency in the General Fund Debt Sinking Fund, thirty-nine thousand five hundred and fifty-three dollars and forty cents.

Interest on state stock deficiency, &c.

For interest on state stock issued to the New York and Erie railroad company, one hundred and sixty-seven thousand five hundred dollars.

New York and Erie railroad, &c.

For interest on state stock issued to the Ithaca and Owego railroad company, fourteen thousand four hundred and eighty-six dollars and fifty cents.

Ithaca and Owego railroad.

For interest on state stock issued to the Canajoharie and Catskill railroad company, ten thousand dollars.

Canajoharie and Catskill railroad.

For interest on state stock issued to the Hudson and Berkshire railroad company, eight thousand two hundred and fifty dollars.

Hudson and Berkshire railroad.

For interest on comptroller's bonds issued to discharge the claim of the canal fund upon the general fund, twenty-three thousand one hundred dollars.

Interest on compta. bonds, claim of canal fund

For interest on comptroller's bonds issued for loans to the treasury, fifty-six thousand two hundred and seventy-nine dollars and fifty-one cents.

Interest on compta. bonds, loans to treasury.

For redemption of state stock issued to the New York and Erie railroad company, three hundred thousand dollars.

Redemption of stock to N. Y. and E. R. R.

For redemption of state stock issued to the Canajoharie and Catskill railroad company, fifty thousand dollars.

Redemption of stock to Canajoharie and Catskill railroad.

For payment of annuities to the following Indian tribes, viz:

Onondagas, two thousand four hundred and thirty dollars; Cayugas, two thousand three hundred dollars; Senecas, five

Indian annuities.

hundred dollars; St. Regis, two thousand one hundred and thirty-six dollars and sixty-nine cents.

PAYABLE FROM THE SCHOOL FUND.

To common schools and salaries, &c.	For dividends to common schools, including the salaries of the county school commissioners, one hundred and fifty-five thousand dollars.
Lands sold for arrears.	For expenses of lands, three hundred dollars. For refunding money paid for redemption of lands sold for arrears of consideration, five hundred dollars.
Ibid.	For refunding surplus moneys arising from the sale of lands for arrears of consideration, five hundred dollars.
Title to lands, &c.	For refunding money on account of failure of title to lands sold by the state, three hundred dollars.
Sup't. of public inst. for Ind. schools.	To the superintendent of public instruction, four thousand dollars, for the support of Indian schools, per chapter seventy-one, laws of eighteen hundred and fifty-six.

PAYABLE FROM THE LITERATURE FUND.

Academies.	For dividends to academies, twelve thousand dollars.
Books, maps &c.	For the purchase of text books, maps and globes, philosophical and chemical apparatus for the academies, two thousand five hundred dollars.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND.

To common schools.	For dividends to common schools, one hundred and sixty-five thousand dollars.
Academies.	For dividends to academies, twenty-eight thousand dollars.
Capital of school fund.	For amount to be added to the capital of the school fund, twenty-five thousand dollars.
Moneys erroneously paid, &c.	For refunding money erroneously paid into the treasury, five hundred dollars.
Expenses of lands.	For expenses of lands, two hundred dollars.
Normal school.	For the support of the state normal school, twelve thousand dollars.
Common school teachers.	For instruction of common school teachers, in the academies designated by the regents of the university, eighteen thousand dollars.
Teachers' institutes.	For teachers' institutes, in the several counties, three thousand dollars.

PAYABLE FROM THE BANK FUND.

For interest on stock issued on account of the bank fund,	Interest on stock on account of bank fund.
ten thousand dollars.	Redemption of bills.
For redemption of bills, fifty dollars.	Contingent expenses.
For contingent expenses, one thousand dollars.	Redemption of stock due Feb., 1869.
For redemption of stock due first of February, eighteen	
hundred and fifty-nine, fifty-five thousand eight hundred and	
twenty-two dollars and eighty-two cents.	

Chap. 334.

AN ACT in relation to the jurisdiction of the Marine and District Courts of the city of New York, and in relation to the proceedings in certain actions therein.

Passed April 17, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The district courts of the city of New York shall hereafter have no jurisdiction in actions against the mayor, aldermen and commonalty of the city of New York.

§ 2. The marine court of the city of New York shall hereafter have no jurisdiction in actions against the mayor, aldermen and commonalty of the city of New York in which the amount claimed by the plaintiff shall exceed two hundred dollars.

§ 3. The service of a notice of appeal to the general term of the said marine court by the said the mayor, aldermen and commonalty of the city of New York, within the time required by law, from a judgment rendered by a single justice of said court, or to the court of common pleas for the city and county of New York, from a judgment rendered by the said general term of said marine court, in an action in which the said the mayor, aldermen and commonalty of the city of New York shall be a party, shall operate as a

Stay of pro-
ceedings.

stay of all proceedings against the said the mayor, aldermen and commonalty of the city of New York, upon such judgment, until the final determination of said general term of the marine court, or of the said court of common pleas, upon the said appeal; and in no case shall it be necessary for the said the mayor, aldermen and commonalty of the city of New York, upon either of the appeals herein mentioned, to pay to the justice or justices of said marine court, the costs awarded against them upon said judgment appealed from, or to file or execute any undertaking or security whatever, upon such appeal; nor shall the said justices of the said marine court be entitled to demand or receive any fee hereafter, for making a return to the said court of common pleas of the city and county of New York, upon an appeal taken by the said the mayor, aldermen and commonalty of the city of New York to the said court of common pleas of the city and county of New York, from the judgment of the general term of said marine court, but it shall be the duty of the said justices of the said marine court, in all cases of appeal by the said the mayor, aldermen and commonalty of the city of New York, from a judgment of the general term of said marine court, to make a full return to the said court of common pleas for the city and county of New York, of all proceedings in the action in which said judgment shall have been rendered, and such return may be enforced by attachment.

Appeal by
mayor.

Summons,
&c.

§ 4. In all actions hereafter prosecuted in the said marine court of the city of New York, against the said the mayor, aldermen and commonalty of the city of New York, a copy of the summons and complaint therein shall be personally served upon the mayor, or the acting mayor of said city, and in addition thereto a copy of such summons and complaint shall be served on the counsel to the corporation in said city, at his office, by leaving the same with said counsel in person, or with a person having charge of his said office during his absence; and no action in the said court against the said the mayor, aldermen and commonalty of the city of New York, shall be deemed to be commenced until such service shall have been made as aforesaid.

§ 5. The second subdivision of the third section of chapter three hundred and forty-four, of the laws of eighteen hundred and fifty-seven is hereby amended so as to read as follows: "In an action upon the charter, ordinance or by-

law of the corporation of the city of New York, or a statute of this state, where the penalty shall not exceed two hundred and fifty dollars."

§ 6. This act shall take effect immediately.

Chap. 335.

AN ACT to amend an act entitled "An act for the payment of canal damages to Hull and Shipman, caused by the suspension of their work by the State," passed April fifteenth, eighteen hundred and fifty-seven.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act entitled "An act for the payment of canal damages to Hull and Shipman, caused by the suspension of their work by the state," passed April fifteenth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

§ 2. The treasurer shall pay, on the warrant of the auditor, to said Hull and Shipman, such sum of money as shall be awarded to them in pursuance of the first section of this act, out of any moneys appropriated or to be appropriated for the completion of the Black River canal.

§ 2. This act shall take effect immediately.

Chap. 336.

AN ACT further to amend an act entitled "An act to incorporate the Lewiston Water Works Company," passed June thirtieth, eighteen hundred and fifty-one.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Name and style.

SECTION 1. The powers, rights and privileges granted by an act of incorporation, passed June thirtieth, eighteen hundred and fifty-one, chapter three hundred and seventeen of the laws of eighteen hundred and fifty-one, and by an amendatory act, passed April fourteenth, eighteen hundred and fifty-five, chapter four hundred and ninety of the laws of eighteen hundred and fifty-five, are renewed, regranted and continued to the corporation thereby created, which shall hereafter be known and called "The Niagara and Lewiston Water Works Company," under which name the acts and doings of the said corporation are hereby confirmed. The directors of said company shall proceed to receive subscriptions to such of its capital stock as has not been subscribed, in such manner as they shall direct.

Directors to receive subscriptions.

Corporation to hold lands, waters, &c.

Directors may purchase lands, &c.

§ 2. Section thirteen of chapter three hundred and seventeen of the laws of eighteen hundred and fifty-one, is hereby amended. The said company shall also take and hold, for the purposes contemplated by this act, all the lands, waters and real estate which they shall in any way legally enter upon and take by virtue hereof, to them and their successors during the continuance of this act. The directors of such company may purchase such lands, real estate, buildings and other property necessary for their business, and issue stock to the amount of the value therefor; and the stock so issued shall be declared and taken to be full stock, and not liable to any further calls; neither shall the holder thereof be liable for any further payments thereon; but in all statements and reports of the company to be published, this stock shall not be stated or reported as being issued for cash paid

into the company, but shall be reported in this respect according to the facts.

§ 3. The first section of chapter four hundred and ninety of the laws of eighteen hundred and fifty-five, is hereby amended and shall read as follows:

The capital stock of said company shall be one million ^{Capital} dollars, to be divided into shares of one hundred dollars ^{stock.} each

§ 4. The third section of chapter four hundred and ninety of the laws of eighteen hundred and fifty-five, is hereby amended, and shall read as follows:

The said company are hereby authorized to borrow money ^{Borrow} to the extent of one-half of the amount of capital of the ^{money.} said company, as determined upon by the directors from time to time, within the amount of said capital as limited by this act, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debts contracted by the company in the prosecution and completion of their works; and the directors may confer upon the holder of any bond issued for the money borrowed as aforesaid, the right to convert the principal due or owing thereon into the stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors may see fit to adopt.

§ 5. This act shall take effect immediately.

Chap. 337.

AN ACT to enable John Lewis Ormet-Delisle, Edward Lewis Frederick Steinheil and James Peter Henry Vivien, to take, hold and convey real estate.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Lewis Ormet-Delisle, Edward Lewis Frederick Steinheil, and James Peter Henry Vivien, now

residing in the city of Paris, in France, are hereby authorized to acquire, take, hold, convey and devise real estate, in the city and county of New York, not to exceed in value two hundred thousand dollars, in the same manner and with like effect as if they were citizens, and each of them was a citizen of this state, and the title of them or of any of them to real estate or chattels real, already acquired, shall not be affected by the alienage of them or of any of them, and such title, if so acquired, is hereby confirmed.

§ 2. This act shall take effect immediately.

Chap. 338.

AN ACT in relation to frauds in assessments for local improvements in the city of New York.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If in the proceedings relative to any assessment or assessments for local improvements in the city of New York, or in the proceedings to collect the same, any fraud or legal irregularity shall be alleged to have been committed, the party aggrieved thereby may apply to a judge of the supreme court, in special term or in vacation, who shall thereupon, upon due notice to the counsel of the corporation of the city in which the lands so assessed are situated, proceed forthwith to hear the proofs and allegations of the parties.

§ 2. If, upon such hearing, it shall appear that the alleged fraud or irregularity has been committed, the said assessments shall be vacated, and the lien created thereby, or by any subsequent proceedings, shall cease.

§ 3. On the production of the certificate of the judge, before whom the proceedings shall be had, that a judgment vacating any assessment has been made by him, it shall be

the duty of the officer having charge of the assessment lists to cancel thereon the assessments so vacated, and all proceedings under the same.

§ 4. Any person applying for relief, under the provisions of this act, may embrace in one proceeding any or all assessments, for local improvements, in which he is interested.

§ 5. Any lands which may be discharged from any lien for an assessment for any local improvement, may be again assessed, in the manner now provided by law, for such amount as would have been justly chargeable, if fraud or irregularity had not been committed; but the amount so assessed shall be a lien on said lands until paid, and shall be collectable in the manner now provided by law for the collection of assessments, but all proceedings to make a new assessment shall be at the expense of the corporation of the city in which the lands may be situated.

§ 6. This act shall take effect immediately.

Chap. 339.

AN ACT to provide for the appraisal of damages alleged to have been sustained by John A. Campbell, caused by a break in the dike or earth bank of the Black Rock harbor, Squaw Island.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby required to investigate the claim of John A. Campbell, for alleged damages to his property in the county of Erie, occasioned by a break in the dike or earth bank, on Squaw island, which forms a part of the western bound of Black Rock harbor and Erie canal, at Black Rock, Erie county, on the seventh day of December, eighteen hundred and fifty-six,

and make a final report of the facts, and the evidence taken by them, to the canal board. The said canal board shall review the facts, and if they are of the opinion that the state is legally or equitably liable to pay such damages, they shall award to the said John A. Campbell, such sum as from the facts ascertained as aforesaid, he may be justly entitled to receive.

§ 2. The sum which shall be awarded, if any, under the first section of this act, shall be paid to the said John A. Campbell, his heirs and assigns, by the treasurer, on the warrant of the auditor of the canal department, out of any moneys in the treasury appropriated or to be appropriated for the enlargement or repairs of the canals of this state.

§ 3. This act shall take effect immediately.

Chap. 340.

AN ACT in relation to the State arsenal in Albany.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the land office are hereby authorized and required, within ten days after the passage of this act, to transfer and convey to the city of Albany, the arsenal and grounds connected therewith, located in said city; provided the mayor, aldermen and commonalty of the said city, shall procure from the owner good and sufficient deed to the state of New York, of a lot of land situate on the corner of Hudson and Eagle streets (which said lot shall be at least one hundred and thirty-seven feet long on Eagle street, and eighty-seven feet deep on Hudson street), and shall pay the sum of five thousand dollars towards the erection of an arsenal and armory in said city, when called upon so to do by the commissioners named in the fifth section of

"An act to authorize the sale of the state arsenals in New York and Albany, to provide for the purchase of the New York arsenal property in New York, by the city of New York, and for the appropriation of the proceeds to such sales," passed April fifteenth, eighteen hundred and fifty-seven.

§ 2. This act shall take effect immediately.

Chap. 341.

AN ACT to amend an act entitled "An act to revise the charter of the city of Syracuse," passed March third, eighteen hundred and fifty-seven.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first sentence of section one, title five of said act, is amended so as to read as follows:

§ 1. THE MAYOR.—The mayor shall hold his office one year, shall receive a salary of five hundred dollars, and shall receive no other compensation for services performed by him under the provisions of this act. The following words in said section are hereby stricken out, to wit: "to examine and audit all accounts presented to the common council, after such accounts have been registered by the clerk, and report the same to the council for action."

§ 2. Section four of title five of said act, is hereby amended by adding thereto the following words: "He shall have power to perform such duties as are prescribed by law to constables in towns and counties, in this state, in criminal cases, and shall be entitled to similar fees therefor."

§ 3. Section five of title five is hereby amended by adding thereto the following words: they shall perform the duties of night watchmen for the city under such regulations as the common council shall prescribe.

§ 4. The first and second sentences of section fourteen of title five, are amended so as to read as follows:

§ 14. BOARD OF HEALTH.—The common council shall annually appoint two of their body who shall be designated as the committee of public health; the mayor, the ex-mayor or who immediately preceded the acting mayor, the city clerk, together with the committee aforesaid, shall constitute the board of health of the city of Syracuse; the said section is further amended by striking out the words “fix the compensation of its members.”

§ 5. The first sentence of section one, title six, of said act, is amended so as to read as follows:

§ 1. The common council, in addition to the school fund mentioned in this act, shall have power to cause to be raised, in each of the years eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, a sum not exceeding sixty thousand dollars, to defray the expenses of the city and to pay all instalments of principal and interest on the public debt of the city, and thereafter a sum not exceeding fifty-two thousand dollars per annum, but they may raise in each year in addition thereto *and** additional sum of not exceeding five thousand dollars to defray the city's share of new paving and constructing new sewers and bridges.

Local assessment.

§ 6. The last sentence of section nine, title six, is hereby amended so as to read as follows: The common council may by a vote of two-thirds of all the members elected, renew any warrant for local assessment, or city and county tax, once for a term not exceeding thirty days.

§ 7. Section one of title seven of said act is hereby amended by striking out the word “except sewers.”

§ 8. Section eight of title eight is hereby amended so as to read as follows:

Work done by order of common council.

§ 8. Whenever the common council shall order any work to be done or materials or supplies to be furnished, the same shall be done by contract, if it shall involve an expenditure exceeding twenty-five dollars, and such contract shall be let to the lowest bidder, who shall give one or more sureties, being freeholders, for its performance; the sureties shall each make oath in writing that he is worth a sum double the contract price, over and above all debts and liabilities he owes or has incurred, and exclusive of property exempt from execution. When the lowest bid, in the opinion of the common council, is too high, they shall have

* So in the original.

the right to reject it, and the clerk, in such case, shall advertise anew. The surveyor shall establish the grade and in all cases furnish an estimate of the number of yards of grading, excavating or filling up, to be done, or earth or gravel to be furnished; the clerk shall advertise for proposals to do such work, or for such supplies, for such length of time as the common council shall direct, not less than five days. The proposals shall be in such form as the council shall prescribe.

§ 9. The eastern boundary of said city of Syracuse shall hereafter be as follows, viz: beginning at a point in the south line of said city on the line between farm lots numbers one hundred and eighty-nine and one hundred and ninety, and thence running north along the line between said lots, and lots number one hundred and ninety-seven and one hundred and ninety-eight, north to the centre of Genesee street, thence east along the centre of Genesee street, to the east line of Maple street, thence northerly along the east line of Maple street and along the line between farm lots two hundred and twenty-four and two hundred and twenty-five, to the line of the former village of Syracuse, thence west along said village line to the east line of Oak street, thence along said east line to the north line of Park street, thence west long said north line of Park street to the east line of farm lot two hundred and forty-three, thence north on the east line of farm lots two hundred and forty-three, and two hundred and forty-five, to the north line of said city. The territory so taken from said city and laying easterly of the line above described shall be and form a part of the town of Dewitt.

§ 10. Section four of title twelve is hereby repealed.

§ 11. This act shall take effect immediately.

Chap. 342.

AN ACT to incorporate the Neversink Steamboat Company.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Henry R. Hoffmire, R. Cornell White, John Borden, Jos. Hoffmire, Andrew J. McCartey, and such other persons as may hereafter be associated with them, are hereby constituted a body corporate, by the title of the "Neversink Steamboat Company," and as such company, they may purchase, build or charter one or more steamboats, and cause the same to ply between the city of New York, and any points or ports in Monmouth county, in the state of New Jersey, touching at any intermediate point or points in the bay and harbor of New York.

§ 2. The said corporation shall also have power to hold such real estate, not exceeding five thousand dollars in value, and also to lease, build or repair such wharfs and store-houses, as may be required to carry on the business of the corporation.

§ 3. The capital stock of the company shall be twenty thousand dollars, but the company shall have power to increase the same to the extent of one hundred thousand dollars, such stock to be divided into shares of one hundred dollars each. The stockholders in said company shall be liable for the debts of the corporation, in the manner and to the extent provided for in title three, chapter eighteen, section five of part one of revised statutes.

§ 4. The stockholders of the said company shall be entitled to one vote for every share of stock held by them, and by a vote representing two-thirds in amount of the whole stock, they shall have power to make and carry into effect such by-laws and regulations as may appear necessary, and also to appoint directors, managers and officers, in accordance therewith, and also to increase the capital stock to such amount as they may deem necessary, not exceeding that fixed by the third section of this charter.

§ 5. The capital stock of the said company shall be assignable and transferable upon the books of said company, said books to be at all times open to the inspection of the stockholders.

§ 6. The terms of this charter shall be for fifteen years from the passage of this act.

§ 7. If it shall appear to the superior court of the city and county of New York, that after the said company shall have been organized one year, that they neglect or refuse to cause their steamboat or steamboats to ply in accordance with this act for six months in any one year, then it shall and may be lawful for the said court to adjudge and determine that the said company has forfeited all right under this act, and thereupon this act shall cease and become void.

§ 8. This act shall take effect immediately.

Chap. 343.

AN ACT to amend an act entitled "An act to provide for the enrolment of the Militia and the organization of Uniform Corps and the discipline of the Military forces of this State," passed April 17th, 1854, and to make certain provisions of the act in relation to the First Division and Fifth Brigade of the New York State Militia, passed April 14, 1855, applicable to the city of Troy.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of sections four, five, six, eight, nine, ten, eleven, twelve, fourteen, fifteen, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, Certain sections of militia made applicable to Troy.

forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, fifty-two, fifty-three, sixty-four, seventy-three, seventy-seven and seventy-nine, of an act in relation to the first division and fifth brigade of the New York state militia, passed April 14, 1855, as far as the same can be made applicable, shall apply, and govern so much of the tenth brigade district, third division of the militia, as is included within the city of Troy, and the said portion of said brigade, shall possess all the privileges and exemptions, and be subject to all the duties and service, granted and imposed to and upon the first military division in said sections; but the said portion of said tenth brigade district included within the city of Troy aforesaid, shall continue to be part of the said tenth brigade district, and the commutation moneys therefrom shall be paid to the collector or receiver of taxes of the said city, who shall pay the same to the treasurer of the county in which said city is situated; and the commutation moneys, fines and penalties, levied, collected and received in and from said portion of said brigade district, shall constitute a military fund to be applied exclusively to defraying the necessary expenses of the several uniform corps in said portion of said brigade, and the enrolment and notification of the uniformed militia therein. The said fund shall be appropriated under the direction of a brigade board, to be composed of the commandant of the said brigade and the field officers of the regiment therein; and said brigade board shall have and possess within said portion of said brigade district, all the powers and authority of the division boards provided for in said sections. After the payment of the necessary brigade expenses, the portion of said fund received or collected in the regimental district in said portion of said brigade, shall be set apart by the brigade board to the regiment located therein, and shall be applied by regimental boards of auditors, as provided by said act, passed April 17, 1854, and articles first and third of title fifth of said act shall apply to the said portion of said brigade.

10th brigade
privileges
and exemp-
tion of.

Commuta-
tion.

Brigade
board.

Board of
auditors.

Tax.

§ 2. The corporation of the city of Troy shall be and is hereby authorized and required, annually hereafter, to raise by tax on the freeholders and inhabitants of said city, and taxable property therein liable to taxation, the sum of two hundred dollars, for and towards defraying the necessary expenses of the several uniformed corps in said portion of said brigade, and the enrolment and notification of the non-

uniformed militia provided for in the act of congress, approved May 8, 1792, which sum so to be raised shall be collected at the same time and in the same manner as taxes are collected in said city.

§ 3. The moneys so to be collected as in the next preceding section mentioned, shall by the collector or receiver of taxes of said city, be paid over upon the order of the brigade board, as provided for in this act, countersigned by the commandant of said brigade. Moneys to be paid to treasurer.

§ 4. The collector or receiver of taxes of the city of Troy, is hereby directed, on the first day of May next, after the passage of this act, to make out an alphabetical list of all uncollected commutation assessments which shall then remain uncollected in his hands, and return such list, duly certified by him, to the commanding officer of the regimental district within the city of Troy. Uncollected commutation.

§ 5. The commanding officer, upon receiving the list of the uncollected commutation assessments, duly certified, as in the next preceding section mentioned, is hereby authorized and empowered to enforce the collection thereof, and pay the same over in the same manner as provided for the collection of military fines in the forty-first, forty-second, forty-third and forty-fifth sections of the act mentioned in the first section of this act. Commanding officer.

§ 6. The provisions of title three of the act entitled "An act to provide for the enrolment of the militia," passed April 17, 1854, shall not be applicable to the city of Troy, and all laws and parts of laws inconsistent with this act are hereby repealed; but such repeal shall not affect any present suit or proceeding now pending in any court of this state.

§ 7. This act shall take effect immediately.

Chap. 344.

AN ACT to incorporate the Emigrant Savings Bank of Buffalo.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Body corporate.

SECTION 1. William Carland, Augustin Keogh, Stephen Bettinger, Anthony Diebold, Francis Kimmett, Peter N. Burke, John C. Devereux, Edward Mackey, Michal McGrath, John Keogh and Patrick T. Beirne, Edwin Thomas, Francis J. Wayland, Peter Behringer, George M. Kolb and Edward Wales, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of "The Emigrant Savings Bank of Buffalo," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, and shall be located in the city of Buffalo.

Real estate.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance of the provisions of this act, and such as shall be embraced in mortgages assigned to it as collateral or further security.

3. Such as has been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section, shall be sold by said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatever, except in cases where it is authorized so to do by the terms of this act, and except such personal property as may be requisite for suit-

able accommodations for the convenient transaction of its business.

§ 3. The trustees of said corporation shall not receive any pay or emolument for their services.

§ 4. The business of said corporation shall be managed ^{Trustees.} and directed by a board of sixteen trustees, who shall elect from their number a president and secretary, and such other officers as they may see fit; nine of said trustees, of whom the president or secretary shall be one, shall form a quorum for the transaction of business; but no order authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or for the appointment of any officer or officers receiving any salary therefrom, without the vote of two-thirds of the trustees present.

§ 5. The persons named in the first section of this act, ^{First trustees.} shall be the first trustees of said corporation; and all vacancies caused by death, resignation, or otherwise, in the said board of trustees, shall be filled by the board, or a majority of it, by ballot, without unnecessary delay, and at least a majority of the board of trustees shall be necessary for the election of any trustee. The said trustees shall hold regular meetings at such times as the board of trustees, or a majority of them, shall agree upon, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for three months in succession, may thereupon, at the election of said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

§ 6. The general business and object of the corporation ^{General business.} hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor by mechanics, farmers, tradesmen, clerks, merchants, emigrants, laborers, minors and others, in such sums and on such terms as are allowed by this act, with power to invest the same in the securities or stocks of this state, or of the United States, or in the stocks or bonds of any city authorized to be issued by the legislature of this state, or to loan the same on the securities of the said stock or bonds, and also upon bonds secured by mortgages on unencumbered real estate,

Ibid.

worth, exclusive of buildings thereon, at least double the amount secured thereby, or in such other manner as is authorized by this act, for the use, interest and advantage of said depositors, and their legal representatives. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower; and all expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower; and the said corporation shall receive as deposits, from the persons of the descriptions above mentioned, all sums of money which may be offered for the purpose of such deposit, not exceeding in the aggregate the sum of five thousand dollars, from any individual, but shall not be obliged to receive any deposit less than one dollar, and not to exceed the sum of five thousand dollars, from any one individual; which sums of money shall, as soon as practicable, be invested as in this act provided, and shall be repaid to such depositor when required, at such times, with such interest and under such regulations, as the board of trustees shall from time to time prescribe; which regulations shall be put in some public and conspicuous place in the room where the business of said corporation shall be transacted, and a copy thereof be delivered to each of the depositors in said corporation; but such regulations shall not be altered so as to effect any deposit previously made, without notice to the party or parties making such deposits. No president, vice president, trustee, officer or servant of said corporation, shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same, or any part thereof, except to pay necessary current expenses under the direction of said board of trustees. All certificates, or other evidences of deposit, made by the proper officer of such corporation, shall be as binding on the corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation, to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. No moneys deposited in said institution, shall be invested in the securities of stocks mentioned in this section, in opposition to a vote of two-thirds of the trustees present at a regular meeting. By the consent and approbation of two-thirds of the trustees present at a regular meeting, and not

otherwise, amounts not exceeding five thousand dollars to any one individual, may be loaned, on unincumbered productive real estate, worth, exclusive of buildings thereon, at least double the amount to be secured thereby.

§ 7. The said trustees are hereby permitted to make de- Deposits.
posits of their individual funds in said corporation, upon the same terms, and with the same rights as other depositors.

§ 8. The board of trustees of the said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations, as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the regulation of the times of meeting of the officers and trustees, and generally for transacting, managing and directing the affairs of the corporation; provided, such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this state, or of the United States. Power of trustees.

§ 9. The subordinate officers and agents of the said corporation, shall respectively give such security for their fidelity and good conduct, as the board of trustees may from time to time require; and said board shall fix the salaries of such officers and agents. Subordinate officers, &c.

§ 10. The books of said corporation shall, at all times during its hours of business, be open for inspection and examination to the superintendent of the bank department of this state, and such other persons as the legislature or the said superintendent shall designate as agents for that purpose, and also to the board of trustees. Books of corporation.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sum or sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing or payment of the same; and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the minor was of full age, if such deposit was made personally by such minor; and when any deposit shall be made by any female, being, or thereafter becoming, a married woman, the said corporation shall pay to such ast mentioned depositor, such sum as may be due to her, and Deposit by minor, &c.

her check, receipt or acquittance, shall be sufficient discharge to said corporation.

Misnomer.

§ 12. The misnomer of said corporation, in any instrument, shall not vitiate or impair the same, if it be sufficiently indicated or described to ascertain the intention of the parties.

Revised
statutes, &c.

§ 13. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the revised statutes, so far as the same are applicable and not repugnant to this act; and also subject to the provisions and requirements of an act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven, and also subject to the provisions and requirements of section thirteen of an act entitled "An act to incorporate the Albany city savings institution," passed March twenty-ninth, eighteen hundred and fifty.

§ 14. It shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available sum of, not exceeding one hundred thousand dollars, which they may keep to meet the current payments and expenses of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct, but such available sum shall at no time exceed one-third of the aggregate amount of said deposits.

§ 15. This act shall take effect immediately.

Chap. 345.

AN ACT to incorporate the Permanent Committee on Education for the Ministry, of the General Assembly of the Presbyterian Church in the United States.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. John J. Owen, Asa D. Smith, George L. Prentiss, William A. Booth, Joseph B. Sheffield, Jesse W. Benedict, Walter S. Griffith, Anson G. Phelps, William Hogarth, Jonathan F. Stearns, Henry Smith, Harvey Curtis, John Jenkins, William Darling and William Jessup (designated for the purpose by the general assembly of the Presbyterian church which met in Cleveland, Ohio, in May, eighteen hundred and fifty-seven), and their successors in office are hereby constituted a body corporate and politic, by the name of "The Permanent Committee on Education for the Ministry of the General Assembly of the Presbyterian Church in the United States of America," whose duty it shall be to superintend the whole cause of education in behalf of the said general assembly, as said assembly may from time to time direct; also to receive, take charge of and disburse any property or funds which at any time and from time to time, may be entrusted to said general assembly, or said permanent committee, for educational purposes.

§ 2. The said corporation shall possess the general powers and be subject to the provisions contained in title three of chapter eighteen of the first part of the revised statutes, so far as the same are applicable and have not been repealed or modified.

§ 3. The management and disposition of the affairs and funds of said corporation shall be vested in the individuals named in the first section of this act, and their successors in office, who shall remain in office for such period, and be displaced and succeeded by others, to be elected at such

time and in such manner, as the said general assembly shall direct and appoint.

§ 4. The said corporation shall in law be capable of taking, receiving and holding any real or personal estate which has been or may hereafter be given, devised or bequeathed to it or to said general assembly, for the purposes aforesaid, or which may accrue from the use of the same; but the said corporation shall not take and hold real and personal estate above the sum of two hundred thousand dollars.

§ 5. This act shall take effect immediately.

Chap. 346.

AN ACT authorizing the conveyance of certain real estate belonging to Almon Crippen, a lunatic.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry Crippen, the committee of the person and estate of Almon Crippen, of Ballston Spa, in the county of Saratoga, a lunatic, is hereby authorized to sell and convey a lot of land belonging to said lunatic, situate in the village of Ballston Spa, in said county, between Milton street and Low street and adjoining High street, in said village; and the sale and conveyance of the said lot of land by the said committee shall be as valid and effectual for all purposes as if the said Almon Crippen had not been judicially declared a lunatic, and the same were made and executed by him.

§ 2. This act shall take effect immediately.

Chap. 347.

AN ACT to vest in the Young Men's Association of the city of Buffalo, the interest of the people of the State of New York, in certain real property.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title, interest, claim or demand of the people of the state of New York, to certain real property, situate in the city of Buffalo, and known as the arsenal building, on inner lot number fifty-six, in said city, is hereby released to the said city of Buffalo, and the said city of Buffalo is hereby empowered to take, hold and convey the same; provided, nevertheless, and the release herein is upon the express condition that the said city of Buffalo shall convey the same or the interest of the said city therein, to the Young Men's Association of the city of Buffalo, within one year from the passage of this act.

§ 2. The said "The Young Men's Association of the city of Buffalo," is hereby authorized to accept and receive the same, and entitled to take, hold and convey the same in their own right.

§ 3. This act shall take effect immediately.

Chap. 348.

AN ACT to amend the Revised Statutes in relation to proceedings against corporations.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section forty-two of chapter eight, article two, title four, part three of the revised statutes, is hereby amended so as to read as follows:

§ 42. Such receiver shall possess all the power and authority conferred, and be subject to all the obligations and duties imposed, in article three of this title, upon receivers appointed in case of the voluntary dissolution of a corporation. It shall be his duty to keep an account of all moneys received by him, and on the first days of January, April, July and October, in each and every year, to make and file a written statement, verified by his oath that such statement is correct and true, showing the amount of money received by such receiver, his agents or attorneys, the amount he has a right to retain under the provisions of this title, and the items for which he claims to retain the same, and the distributive share due each person interested therein. He shall pay such distributive share to the person or persons entitled thereto, on demand, at any time after such statement. Such account, statement, and all the books and papers of the corporation in the hands of such receiver, shall at all reasonable times be open for the inspection of all persons having an interest therein. And in case of neglect or refusal to comply with either of the above requirements, or any duty imposed upon him by this title, the supreme court, at either a general or special term, shall, on the application of the party aggrieved, unless such neglect or refusal shall be satisfactorily explained to the court, forthwith remove such receiver, and appoint some suitable person as receiver in his place. Such removal shall not vitiate or annul any legal proceedings had by such receiver; but such proceedings shall be continued by such successor

as if no removal had been made. Such receiver shall also be liable to pay to the party interested, interest at the rate of ten per cent per annum on all moneys due to such party and retained by him more than one day after such demand made as aforesaid.!

§ 2. This act shall take effect immediately.

Chap. 349.

AN ACT to provide the means to support the Government.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be imposed for the fiscal year, commencing on the first day of October, one thousand eight hundred and fifty-eight, a state tax of one mill and one quarter of a mill on each dollar of the valuation of real and personal property taxable in this state, to be assessed, raised and collected upon and by the annual assessments and collection of taxes for the said fiscal year, in the manner now prescribed by law, to be paid by the county treasurers, respectively into the treasury of this state, and to be held by the treasurer thereof for the following purposes, that is to say: the whole amount of the proceeds of said tax shall be held, paid and applied to and for the uses of the general fund and for the payment of such claims and demands as may be a charge thereon.

Chap. 350.

AN ACT for the relief of Alonzo M. Brinkerhoff and George W. Manchester.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal board shall hear and determine the claim of Alonzo M. Brinkerhoff and George W. Manchester, contractors for the construction of the Woodhull reservoir, of Black River canal and Erie canal feeder, and shall award to them such sum of money as they shall be equitably entitled to (without including prospective profits), for the damages sustained by said contractors in consequence of the suspension of their work on the twelfth day of November, eighteen hundred and fifty-six, and abandonment of their work by resolution of the canal board, on the third day of September, eighteen hundred and fifty-seven, and for change of plan in constructing the reservoir.

§ 2. The treasurer shall pay on the warrant of the auditor, to Alonzo M. Brinkerhoff and George W. Manchester, such sum of money as shall be awarded them in pursuance of the first section of this act, out of any moneys appropriated for the completion of the Black River canal feeder.

§ 3. This act shall take effect immediately.

Chap. 351.

AN ACT for the relief of Britton & Townsend.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized to hear and determine the claim of Surraus Britton and John V. Townsend, contractors for the construction of Chub Lake reservoir, on the Black River canal, and shall award to them such sum of money as they shall be equitably entitled to, without including any prospective profits, for the damages sustained by said contractors in consequence of the suspension of their work on the twelfth day of November, eighteen hundred and fifty-six, and abandonment of their work by the state, on the third day of September, eighteen hundred and fifty-seven.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, to said Britton and Townsend, such sum of money as shall be awarded them in pursuance of the first section of this act, out of any moneys applicable to the completion of the Black River canal.

§ 3. This act shall take effect immediately.

Chap. 352.

AN ACT to legalize the sale of certain real estate heretofore sold and conveyed by the trustees of the village of Cherry Valley.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act of the trustees of the village of Cherry Valley, in executing a deed dated May five, eighteen hundred and fifty-five, purporting to convey to Willard Trull certain lands therein described, which lands belonged to "The trustees of the village of Cherry Valley," in their corporate capacity, is hereby confirmed; and said deed shall be held and adjudged to be of the same force and effect as a conveyance of the said lands, as if said trustees had, previous to the execution of said deed, been empowered and authorized by an act of the legislature of this state, to sell and convey said lands.

Chap. 353.

AN ACT to provide means to pay the interest on a portion of the canal debt.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed, for the fiscal year commencing on the first day of October, one thousand eight hundred and fifty-eight, a state tax of one-half of one mill

on each dollar of the valuation of real and personal property taxable, in this state, to be assessed, raised and collected, upon and by the annual assessments and collection of taxes for the said fiscal year, in the manner now prescribed by law, to be paid by the county treasurers respectively, into the treasury of this state, and to be held by the treasurer thereof for the following purposes, viz: The whole amount of the proceeds of said tax shall be transferred to the canal fund, on the warrant of the comptroller, and used, paid and applied to pay the interest upon that portion of the canal debt which has been created and incurred under and in pursuance of section three, article seven, of the constitution, as amended in the year eighteen hundred and fifty-three.

§ 2. This act shall take effect immediately.

Chap. 354.

AN ACT authorizing the appraisal and payment of canal damages to Charles B. Thompson and Hiram Hascall.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to examine and determine the claim of Charles B. Thompson and Hiram Hascall, for damages alleged to have been sustained by them, and for lumber furnished by them under their contract for the enlargement of section two hundred and seventy-five of the Erie canal, entered into on the twenty-ninth day of December, eighteen hundred and fifty-one which contract was declared void by the canal commissioners, in consequence of the decision of the court of appeals, declaring the act of July tenth, eighteen hundred and fifty-one, unconstitutional; that the said appraisers shall not be authorized to take into consideration any other damages than such as occurred to the said Thompson and Has-

~~shall~~ or materials contracted for or purchased by ~~them~~ for the purpose of being used on said section two ~~hundred and seventy-five~~, under their said contract, or what ~~they may~~ have paid to cancel said timber contracts; if it ~~appears~~ that any damages have been sustained as aforesaid, for which the state is liable, then the said appraisers shall award such sum, not exceeding two thousand dollars, as shall to them seem just and equitable, subject to an appeal to the canal board as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any money in the treasury appropriated or to be appropriated to the enlargement of the Erie canal.

Chap. 355.

AN ACT for the relief of officers and directors of the fourth company of the Great Western Turnpike road.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The officers and directors of the fourth company of the Great Western Turnpike road, may, by an instrument in writing, under their corporate seal, signed by their president and secretary, to be filed in the office of the clerk of the county of Cortland, abandon all that part of said road as now made within the county of Cortland, and from and after filing the said instrument, as aforesaid, the same shall be considered as abandoned, and the said company shall be relieved from keeping such part of said road in repair, and be allowed and authorized to dispose of such personal and real effects belonging thereto, as shall not be needed or useful for the said road as a public highway.

§ 2. The said turnpike road so abandoned, is hereby de-

clared to be a public highway, and it shall be the duty of the commissioners of highways of the several towns, through which the same passes, to cause it to be distriated and worked in the same manner as other roads and highways in said towns are required by law to be distriated and worked.

Chap. 356.

AN ACT to fix the salary of the Recorder of the city of Oswego.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the recorder of Oswego shall be not less than one thousand dollars nor more than fifteen hundred dollars per annum, to be fixed by the common council of said city, one-quarter of which shall be paid by the county of Oswego, in quarterly or monthly instalments as the city shall direct, and the recorder shall receive no fees or perquisites or office otherwise.

Chap. 357.

AN ACT amending chapter three hundred and twenty-seven of the laws of eighteen hundred and forty-six, so as to authorize the Board of Supervisors to review and correct assessments in certain cases where it can not now be done by the Assessors.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The assessor shall, in all cases of assessments under chapter three hundred and twenty-seven of the laws of eighteen hundred and forty-six, specify in the assessment rolls each rent so assessed, and the value fixed upon articles, other than money, in which such rents are payable, and whenever assessments are made against any person in any town or ward in which he does not reside, the board of supervisors of the county to which such assessments are returned, shall have in all respects as full power and authority, and it shall be their duty, to correct such assessments as to the valuation of the rents, and as to the gross amount for which such person shall be assessed, as the assessors have as to a resident of the town; and such board of supervisors may reduce the amount of such assessments in the respective towns or wards of the county, in proportion or otherwise, as the nature of the corrections require, to make such assessments just.

Chap. 358.

AN ACT to amend the several acts incorporating the village of Pulaski, in the county of Oswego.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act to incorporate the village of Pulaski, in the county of Oswego, passed April twenty-sixth, eighteen hundred and thirty-two, and the act amendatory thereof, are hereby modified so as to read as follows:

§ 2. That part of the town of Richland, in the county of Oswego, contained within the boundaries hereinafter described, shall be a village by the name of Pulaski; and the citizens of this state from time to time, inhabitants within the said boundaries, shall be a corporation by the name of "The village of Pulaski." And in addition to the powers hereinafter specially granted, shall possess all the general powers, and be subject to the restrictions contained in the third title, of the eighteenth chapter, of the first part of the revised statutes, except the fifth and sixth subdivisions of the first section, and the fifth, ninth and tenth sections of the said title, which are hereby declared inapplicable to the corporation hereby created; and the said corporation shall also possess the powers conferred in similar corporations by the second section of the act entitled "An act authorizing certain trusts," passed May fourteenth, eighteen hundred and forty.

§ 3. The territory within the following boundaries shall constitute the village of Pulaski, to wit: commencing at a point seventy-five chains north three degrees east from the corner of lots number one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-eight, and one hundred and forty-nine, in the tenth township of constable patent, and running from thence south eighty-seven degrees east, seventy-five chains; thence south three degrees west, one hundred and fifty chains; thence north eighty-seven

Chap. 352.

AN ACT to legalize the sale of certain real estate heretofore sold and conveyed by the trustees of the village of Cherry Valley.

Passed April 17th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act of the trustees of the village of Cherry Valley, in executing a deed dated May five, eighteen hundred and fifty-five, purporting to convey to Willard Trull certain lands therein described, which lands belonged to "The trustees of the village of Cherry Valley," in their corporate capacity, is hereby confirmed; and said deed shall be held and adjudged to be of the same force and effect as a conveyance of the said lands, as if said trustees had, previous to the execution of said deed, been empowered and authorized by an act of the legislature of this state, to sell and convey said lands.

Chap. 353.

AN ACT to provide means to pay the interest on a portion of the canal debt.

Passed April 17th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be imposed, for the fiscal year commencing on the first day of October, one thousand eight hundred and fifty-eight, a state tax of one-half of one mill

on each dollar of the valuation of real and personal property taxable, in this state, to be assessed, raised and collected, upon and by the annual assessments and collection of taxes for the said fiscal year, in the manner now prescribed by law, to be paid by the county treasurers respectively, into the treasury of this state, and to be held by the treasurer thereof for the following purposes, viz: The whole amount of the proceeds of said tax shall be transferred to the canal fund, on the warrant of the comptroller, and used, paid and applied to pay the interest upon that portion of the canal debt which has been created and incurred under and in pursuance of section three, article seven, of the constitution, as amended in the year eighteen hundred and fifty-three.

§ 2. This act shall take effect immediately.

Chap. 354.

AN ACT authorizing the appraisal and payment of canal damages to Charles B. Thompson and Hiram Hascall.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to examine and determine the claim of Charles B. Thompson and Hiram Hascall, for damages alleged to have been sustained by them, and for lumber furnished by them under their contract for the enlargement of section two hundred and seventy-five of the Erie canal, entered into on the twenty-ninth day of December, eighteen hundred and fifty-one which contract was declared void by the canal commissioners, in consequence of the decision of the court of appeals, declaring the act of July tenth, eighteen hundred and fifty-one, unconstitutional; that the said appraisers shall not be authorized to take into consideration any other damages than such as occurred to the said Thompson and Has-

call, for timber or materials contracted for or purchased by them, for the purpose of being used on said section two hundred and seventy-five, under their said contract, or what they may have paid to cancel said timber contracts; if it appears that any damages have been sustained as aforesaid, for which the state is liable, then the said appraisers shall award such sum, not exceeding two thousand dollars, as shall to them seem just and equitable, subject to an appeal to the canal board as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded under and by virtue of the first section of this act, out of any money in the treasury appropriated or to be appropriated to the enlargement of the Erie canal.

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AN ACT for the relief of officers and directors of the fourth company of the Great Western Turnpike road.

Passed April 19th, 1858.

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§ 2. The said turnpike road so abandoned, is hereby de-

clared to be a public highway, and it shall be the duty of the commissioners of highways of the several towns, through which the same passes, to cause it to be districted and worked in the same manner as other roads and highways in said towns are required by law to be districted and worked.

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AN ACT to fix the salary of the Recorder of the city of Oswego.

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SECTION 1. The salary of the recorder of Oswego shall be not less than one thousand dollars nor more than fifteen hundred dollars per annum, to be fixed by the common council of said city, one-quarter of which shall be paid by the county of Oswego, in quarterly or monthly instalments as the city shall direct, and the recorder shall receive no fees or perquisites or office otherwise.

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degrees west, one hundred and fifty chains; thence north three degrees east, one hundred and fifty chains, and thence south eighty-seven degrees east, seventy-five chains, to the place of beginning.

Officers.

§ 4. The franchises of the corporation are exercised by means of officers, to be elected or appointed in the manner hereinafter specified, who are designated as follows:

1. A president;
2. Five trustees, one of whom shall be designated as president;
3. Three assessors;
4. A police justice;
5. A chief fireman;
6. A collector;
7. A treasurer;
8. A clerk;
9. A street commissioner;
10. One or more police constables;
11. Such subordinate officers as are authorized by this act or by general laws.

Terms of officers.

§ 5. The clerk, street commissioner and constable shall be appointed by the trustees, and hold their offices during their pleasure. All the other officers are elected at elections to be held as hereinafter prescribed, and except the police justice, and assessors, they shall hold for one year, and until others are elected. The assessors shall hold their office for three years, one to be elected each year. Within eight days after the first election, they shall meet at a time and place to be designated by the president, of which they shall be notified, and must determine by ballot numbered one, two and three, to be drawn in presence of the president and clerk, their respective terms of service. The terms of the first assessors shall be, the first for one year, the second for two years, and the third for three years, according to the ballots they shall respectively draw. If either of the said assessors so elected shall fail to attend, the president shall draw for him; the result must be entered in the records of the village. If a vacancy happen, it must be filled by the trustees until the next annual election, and if the vacant term be not then terminated, it must then be filled for the residue of the term by election.

Vacancy.

Annual election.

§ 6. An annual meeting for the election of officers, and the transaction of other business, must be held in said village, on the first Monday of April, in each year, except the

election for eighteen hundred and fifty-eight, which shall be held on the last Tuesday in May. The first election must be held at the court house in the village. At the first election, and at each annual election the place for holding the next election must be determined by the electors, or if they fail to do so, the trustees by resolution must designate the place. A notice of the annual meetings and election must be published in a newspaper printed and published in the village, at least two weeks before the election. If the electors do not determine the place, or in case of their failure, if the trustees omit to appoint the place, the election must be held at the same place where the last preceding annual election was held.

Notice to be published.

§ 7. Every elector who has resided within the village for thirty days next preceding the election, and who is then a freeholder therein, or who, within the last year next preceding such election, has been assessed, and has actually paid a town or county tax, or village tax, assessed upon his property in the village, may vote on any question of raising money by taxation; and no other person shall vote on such question. The qualification of electors, for any office to be elected by the electors of said village, shall be such as are prescribed in the second article of the constitution.

Voters to be tax payers.

§ 8. At the annual meeting, before the opening of the polls for the election of officers, the reports hereinafter required to be made, must be presented and read to the meeting. The president of the village, or in his absence, a president for the time being, to be chosen by the trustees, must preside. The election of officers must be by ballot, with all the names voted for on one ballot, designating the office for each. Poll lists must be kept by the clerk of the village, and one of the trustees, to be designated by the president. The trustees shall constitute the inspectors of such election; if either be absent, the trustees may appoint a person in his place. The final question upon any proposition, may also be taken by ballot, if before the election of officers commences, at least one-third of all the electors present require it. The polls for the election of officers must be kept open at least one hour. The qualification of voters must be determined by the inspectors, who may have recourse to the last assessment roll of the village or town for that purpose, and may also examine on oath, to be administered by one of them, any person offering to vote, in respect to this qualification. The inspectors must publicly canvass the votes before ad-

Report of officers.

Election by ballot.

Polls to be open an hour.

journalment, and must certify the same upon the records of the village, together with any resolutions adopted by the meeting.

Oath of
office.

§ 9. The several officers elected, must each, before entering on the duties of his office, take the oath of office prescribed by the constitution. The president, trustees and chief fireman, shall render service without compensation; the assessors shall be paid such compensation as the trustees may prescribe, not to exceed the amount paid to town assessors for similar services. The compensation of the treasurer, street commissioner, clerk, and police constable, must be determined by the trustees, and paid out of the general fund. The omission of any officer to take the oath of office, or when security is required, to give the security, and file such oath or security with the clerk, within eight days after an election or appointment, shall be deemed a refusal to take the office.

Compensation
of
treasurer,
&c.

Vacancy.

§ 10. A vacancy in any office may be filled by the trustees by the appointment of a person to the office; if the office be elective, to hold until the next annual meeting; if it be any other office, to hold during the pleasure of the trustees.

FINANCIAL REGULATIONS AND RESTRICTIONS.

Resolutions
may be
passed.

§ 11. The annual meeting in addition to the election of officers, may pass such resolutions as it may seem fit, and instructing the trustees in the discharge of their duties; and the trustees are bound by such instruction, so far as they are within the powers by this act conferred, on such meeting or on the trustees. The meeting must also determine the sum to be raised by general tax upon the taxable property in the village for the ordinary expenses of the village. The failure at such meeting to fix upon the sum, shall be deemed the adoption of the sum which was so raised for that purpose the last preceding year.

§ 12. The following items only are included in the ordinary expenses of the village:

1. The compensation to those officers of the village to whom compensation is expressly allowed by law;

2. For publishing the charter and by-laws of the village, the proceedings of the trustees, notices of the annual and special meetings, and all other notices and papers required or authorized by this act, to be published;

Expenses of
village.

3. For defraying the expenses of necessary surveys and maps of the village, and of the streets, public squares, and cemeteries;

4. For procuring the necessary blank books and blank forms, paper and book cases for the use of the clerk and other village officers, and for rent of a room and furniture, fuel and lights, for the meetings of the trustees, and of the annual and special meetings of the electors;

5. For prosecuting and defending actions in which the village is a party or bound to indemnify a party, and for other services requiring legal skill;

6. For constructing and repairing crosswalks;

7. For the necessary advances for making sidewalks, or for abating nuisances, after such proceedings have been had as to make such expenses a lien upon real property, upon failure of the owners to comply with the directions of the trustees in respect thereto;

8. For maintaining and keeping in repair and serviceable ^{ibid.} condition the fire engines, fire hooks and ladders, and other necessary apparatus for extinguishing fire. The number of fire engines not to exceed one for each two thousand inhabitants, and one additional engine for every fifteen hundred inhabitants over two thousand;

9. For maintaining and keeping in repair and in good order for use, an engine house for each engine and its apparatus, or for hiring suitable places for those purposes when necessary;

10. For keeping in repair the public reservoirs which now are or hereafter may be constructed, and the water pipes and fixtures connected therewith;

11. For making and maintaining sidewalks in front of ^{ibid.} the public grounds in said village, set apart and dedicated to public use, for making and maintaining fences around such grounds, and for planting and securing trees in and about such grounds, and for paying taxes and assessments lawfully assessed on such public grounds, or any property of the village;

12. For precautionary measures to guard the public health in times of pestilence, and to provide against the small pox or other infectious or pestilential diseases, when they appear in the village, by providing suitable places for the temporary removal of such persons from populous parts of the village, and defraying the expenses incident to such removal;

13. For the necessary expenses of doing any act expressly required or authorized by law.

§ 13. Such meeting may, by resolution, also direct the ^{Tax.}

trustees to cause to be raised, by general tax upon the taxable property in the village, a specified sum of money for special purposes, in addition to the ordinary expenses of the village, in the cases and manner, and under the restrictions hereinafter prescribed; it must be for one or more of the following objects:

To purchase 1. To purchase fire engines to supply the place of those worn out or unfit for use, or for a new fire company when the number of inhabitants justifies the purchase of another engine, as prescribed in subdivision eight of last section.

2. To purchase or to hire a site and building for a suitable fire engine house, when necessary for an additional engine.

3. For the construction of public reservoirs of water, and procuring ground for the same, and for supplying the same with water, and conducting water to and from them and the necessary fixtures therefor for the extinguishment of fires.

Streets. 4. For improving the public squares in the village, by leveling or grading the same, and by enclosing the reservoirs thereon by iron fences, to render them secure against accidents.

Special tax. § 14. Before any tax for a special purpose can be voted for at the annual or special meeting, a notice must be published, for at least two weeks next before such meeting, in all the newspapers published weekly or oftener in said village, subscribed by the president and a majority of the trustees, stating that the meeting will be called upon to vote for a special tax, specifying the object, stating the sum proposed to be raised, and an estimate by items of the whole cost of the proposed object.

Resolution to raise money. § 15. A resolution to raise money by tax, must be to defray the ordinary expenses of the village, or for a special purpose, to be therein designated, stating the whole sum estimated for the expense of such purposes; it can embrace but one special purpose, and must be voted upon separately. A resolution to raise money by tax, for a special purpose, or which necessarily requires a special tax for its accomplishment, adopted in violation of this section, is void.

Application of money. § 16. The money so raised must be applied to the specified purpose only, and must be kept a distinct fund in a separate account on the treasurer's books, except that its purpose and object may be changed to any other object by a subsequent resolution of another meeting, adopted after

due notice in the same manner as herein provided for the resolution directing such tax, when such change can be made without violating a contract.

§ 17. When the entire estimated expenses of completing any special object, for which a tax shall be directed to be raised as provided in section twelve, or when the aggregate estimated expense of all such special purposes, for which a tax shall be directed to be raised at any meeting or in any year, shall not exceed five hundred dollars, the whole amount thereof must be assessed, and the warrant for the collection thereof must be issued, within the year in which the resolution is adopted. If the whole amount required exceed five hundred dollars, the excess over that sum and not exceeding five hundred dollars more, must be assessed, and the warrant for the collection thereof issued during the second year, and if the whole expense exceed one thousand dollars, the remainder not exceeding five hundred dollars, must in like manner be assessed, and the warrant for the collection thereof must be issued during the third year. The aggregate amount for all such special objects and purposes required at any one meeting, or in any one year, can not exceed fifteen hundred dollars including interest, until the sum can be paid by three annual assessments as above provided. And when once ordered, no subsequent action of a meeting shall be necessary to enable the trustees for the two succeeding years, to cause the respective shares for those years to be assessed and collected as above provided.

§ 18. A resolution to raise money for a special purpose as herein above provided, or to increase the amount for the ordinary expenses of the village for the current year, may be adopted at a special meeting called by the trustees upon a notice subscribed by the president and a majority of the trustees, specifying the object and amount in the same manner, and to be published as required in section fourteen. But no such resolution can be adopted within three months next preceding the time appointed for the next annual meeting and election, nor can the aggregate amount for special purposes to be assessed in any one year, ever exceed one thousand dollars.

§ 19. Money can not be borrowed on the credit of the village, nor can any debt be created in its behalf payable at a future time, nor can any debt or liability be incurred by the village except for the ordinary expenses of the village, within the income of the current year applicable to

that purpose, nor can any money or property of the village be appropriated or applied for any purpose except as authorized by this act, except that when the raising of money for a special purpose shall be ordered, as provided in this act, the amount when necessary may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by tax, as herein provided.

Any officer
creating
debt, &c.

§ 20. Any officer or person who shall assume to create a debt, or incur a liability, or appropriate any money or property of the village contrary to the last section, or shall assent thereto, shall be personally liable for such debt or liability, and to the village for such money or property, and all the trustees present at a meeting when such violation shall have been enacted, shall be deemed to have assented, unless his dissent be expressed thereat and entered upon the journal. Any willful violation of the last section shall also be a misdemeanor.

VILLAGE CEMETERY.

Cemetery.

§ 21. The trustees shall have the custody of the public cemetery which now belongs or hereafter may belong to said village, and may grant the right of interment therein in separate lots or otherwise. They may purchase and keep a hearse and other conveniences for the burial of the dead, and may appoint one or more officers to superintend and have the care of all such property; they may also impose and require the payment of such sums for the privileges of burial, or for burial lots and for officers' fees as they may see fit: they may improve the grounds and purchase and keep the same, including fences, walks, a public vault, hearse, and other articles in proper order and condition, such purchases, repairs and improvements can only be made out of the receipts and fees, authorized by this section, to be kept as a distinct fund.

POWERS AND DUTIES OF THE PRESIDENT.

§ 22. The president is the chief executive officer of the village, and presides at all annual and special meetings of the electors, and at the meetings of the trustees, but has no vote except a casting vote when there is a tie; he may, however, submit propositions for the action of the trustees. It is his duty to see that the provisions of this act and the village by-laws and ordinances are faithfully executed, and

to institute prosecution for their violation. He has the power and it is his duty to suspend, until after the next annual election, the operation of any resolution or ordinance of the trustees, by his order, to be entered upon the records of the village with his reasons therefor, when in his judgment it is in violation of this act, or of any of the laws of this state, or appropriates money or involves expenditures improvidently. The president, in behalf of the village, must execute all leases, contracts, licenses and other papers to be executed as the act of the village when so authorized by the trustees.

§ 23. The president must submit to the annual meeting a report of the financial transactions of the village for the year showing:

1. All moneys raised or received, and from what sources, distinguishing also the funds, and the purposes to which they belong;

2. All payments, specifying each item and out of what fund, and showing whether any items, and if any, stating them, have been allowed and disallowed by the trustees, and to whom paid;

3. The entire indebtedness of the village, if any, distinguishing the funds indebted, and stating the payments thereon, and when made.

The president must also submit an estimate of the amount required to be raised by tax for the ensuing year for ordinary village expenditures, specifying details as far as practicable; it may also contain such statement as the president may deem useful for the information of the meeting.

§ 24. The president's report must be submitted to a meeting of the trustees at least ten days before the annual meeting, and so much at least thereof as shows the receipts and expenditures for the year, and the estimate for the ensuing year, must be published in a newspaper, published in the village, at least five days before the annual meeting, provided the expense of such publication shall not exceed five dollars.

POWERS AND DUTIES OF THE TRUSTEES.

§ 25. The trustees can only transact business as a board ^{Trustees.} sitting in public; at least three trustees must be present, and all their acts must be entered in writing on the journal of the village. The concurrence of three trustees is re-

that purpose, nor can any money or property of the village be appropriated or applied for any purpose except as authorized by this act, except that when the raising of money for a special purpose shall be ordered, as provided in this act, the amount when necessary may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by tax, as herein provided.

Any officer
creating
debt, &c.

§ 20. Any officer or person who shall assume to create a debt, or incur a liability, or appropriate any money or property of the village contrary to the last section, or shall assent thereto, shall be personally liable for such debt or liability, and to the village for such money or property, and all the trustees present at a meeting when such violation shall have been enacted, shall be deemed to have assented, unless his dissent be expressed thereat and entered upon the journal. Any willful violation of the last section shall also be a misdemeanor.

VILLAGE CEMETERY.

Cemetery.

§ 21. The trustees shall have the custody of the public cemetery which now belongs or hereafter may belong to said village, and may grant the right of interment therein in separate lots or otherwise. They may purchase and keep a hearse and other conveniences for the burial of the dead, and may appoint one or more officers to superintend and have the care of all such property; they may also impose and require the payment of such sums for the privileges of burial, or for burial lots and for officers' fees as they may see fit: they may improve the grounds and purchase and keep the same, including fences, walks, a public vault, hearse, and other articles in proper order and condition, such purchases, repairs and improvements can only be made out of the receipts and fees, authorized by this section, to be kept as a distinct fund.

POWERS AND DUTIES OF THE PRESIDENT.

§ 22. The president is the chief executive officer of the village, and presides at all annual and special meetings of the electors, and at the meetings of the trustees, but has no vote except a casting vote when there is a tie; he may, however, submit propositions for the action of the trustees. It is his duty to see that the provisions of this act and the village by-laws and ordinances are faithfully executed, and

to institute prosecution for their violation. He has the power and it is his duty to suspend, until after the next annual election, the operation of any resolution or ordinance of the trustees, by his order, to be entered upon the records of the village with his reasons therefor, when in his judgment it is in violation of this act, or of any of the laws of this state, or appropriates money or involves expenditures improvidently. The president, in behalf of the village, must execute all leases, contracts, licenses and other papers to be executed as the act of the village when so authorized by the trustees.

§ 23. The president must submit to the annual meeting a report of the financial transactions of the village for the year showing:

1. All moneys raised or received, and from what sources, distinguishing also the funds, and the purposes to which they belong;

2. All payments, specifying each item and out of what fund, and showing whether any items, and if any, stating them, have been allowed and disallowed by the trustees, and to whom paid;

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The president must also submit an estimate of the amount required to be raised by tax for the ensuing year for ordinary village expenditures, specifying details as far as practicable; it may also contain such statement as the president may deem useful for the information of the meeting.

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quisite to pass any ordinance or resolution, which necessarily involves payment of any money or the appropriation of any money or property of the village, or for any assessment upon lots for sidewalks or streets, or laying out or altering a street, or declaring a nuisance, and directing its removal or abatement. A concurrence of a majority of those present is sufficient for any other act.

§ 26. Meetings of the trustees may be held pursuant to adjournment, or upon a call by the president, or any three trustees. It is the duty of the president or trustees calling a meeting, to cause to be notified all the trustees who are in the village at the time. If the president be absent at a meeting, the trustees may appoint a president for the time being from their own number, who does not thereby lose his own right to vote as a trustee, but when he votes as a trustee, he has no casting vote on a tie.

§ 27. It is the duty of the trustees, and they have the power:

1. To appoint the several officers whose offices are held by appointment under them, and to fill vacancies therein, and to fill any vacancy which may occur in any other office, by appointment of a suitable person to hold until the close of the next annual election.

2. To provide for the care, custody, and preservation of the public property, records and papers of such village.

3. To organize and keep under good and efficient organization and regulation, fire companies, which companies shall not consist of more than forty men for each fire engine.

Powers of. 4. To see that the officers of such village perform their duties faithfully and correctly, and to cause measures to be taken to punish any neglect of duty by any of them.

5. To call special meetings of the electors, when in their judgment the interest of the village shall require it.

6. To give notice in the manner prescribed by law, of the annual and special meeting of the electors.

7. To carry into effect every resolution of instruction lawfully adopted at any meeting of the electors.

8. To examine all accounts and claims against the village, and allow such as are just and legal.

9. To fix the amount, and decide upon the sufficiency of the sureties in the official security of the treasurer, street commissioner, collector, and police constable.

10. To fix the compensation of the assessors, treasurer, clerk, collector and police constable.

11. To prescribe the manner in which the treasurer shall keep the accounts and vouchers of his office, and also in which the clerk shall keep the records and papers of such village, and to examine such accounts, vouchers and records, from time to time, in order to detect errors therein.

12. To issue warrants for the collection of taxes, and of the expenses of making or repairing sidewalks, abating nuisances, or assessments for the making and grading of streets, or for damaging for land taken for streets. The warrant must be returnable in sixty days from the time of issuing the same; and if not wholly collected, to renew the same, returnable in thirty days.

13. To order real property to be leased to satisfy taxes, expenses or assessments charged thereon, and not paid or collected.

14. To enter, or authorize others to enter, in the day time, ^{and} when in their judgment the interests of such village shall require it, any building in the village in which there shall be a fireplace, stove or stovepipe, for the purpose of examining the same, and to make such regulations in regard thereto, as a proper security against fire, shall in their judgment require.

15. To compel all persons in such village, to deposit their ashes in such vessels or places as they may deem necessary.

16. To prohibit the exhibition for gain or profit, of any exhibition of any show, wire or rope dancing, juggling, circus, menagerie, or any theatrical exhibition, or any natural or artificial curiosity, except upon license expressly granted, which license may be granted for such time, and upon such terms and conditions, and upon the payment of such sums as the trustees may prescribe.

17. To direct the manner, and superintend the making and repairing of sidewalks and crosswalks in such village.

18. To exercise the powers and duties of commissioners of highways of towns within the limits of the village, except the building, repairing, sustaining and keeping in repair, the bridge over Salmon river, which shall continue under the care and superintendence of the commissioners of highways of the town of Richland, and continue a charge upon said town, in all respects, as though this act had not been passed; and also, except the assessment of highway

labor, so far as those powers and duties are consistent with other parts of this act, and are applicable to the village, and to direct the application of the highway labor assessed on the persons and property in the village, to the improvement of the highways and sidewalks in such place within the village as they may deem best, and also to direct the application of a part thereof, not exceeding ten per cent in any year to the grading of the public grounds, and to planting and securing trees thereon.

Ibid.

19. To prescribe regulations for the preservation of good order, and propriety in taverns and groceries, and for the prevention of intoxication, and for the care of persons who may become intoxicated and incapable of taking proper care of themselves.

20. To prescribe regulations as to the location of private drains, water logs and discharge posts, water pipes and gas pipes in the street, and for the prevention of injury or obstruction to the streets thereby.

21. To make such regulations in respect to keeping and confining dogs as they may see fit.

22. To make such by-laws, not inconsistent with the laws of this state, or of the United States, as they shall deem proper to carry into effect the provisions of this act, and of the other laws applicable to the village and the powers vested in any officer thereof, and to prescribe penalties, not exceeding fifty dollars for each violation of any such by-law; but no penalty shall be prescribed for any act which shall be prohibited, and for doing which, a penalty is attached by the laws of this state; and any such by-law can not take effect until two days after it shall have been published in a newspaper printed in the village, of which publication an affidavit must be made and filed with the village clerk.

23. To perform all the duties imposed on them, by this act, or by any other law of this state.

§ 28. The trustees have power, in their discretion;

1. To restrain cattle, horses, sheep, swine and geese, from going at large in the streets, under a penalty not exceeding five dollars for each animal. Animals so going at large shall also be liable to be distrained, impounded and sold, as may be provided by the by-laws, and the owner of every such animal shall be liable to the penalty.

2. To prohibit the incumbering of the sidewalks and streets of said village, and to cause buildings and other

structures encroaching thereon, to be removed at the expense of the owners or occupants thereof, and to permit building materials to be deposited on the street, in front of any lot, to such extent and for such time as they may prescribe.

3. To compel the removal by the occupant, of snow and ice from the sidewalk in front of any lot, within such time, after notice, as they may direct. ^{Ibid.}

4. To limit the quantity of gunpowder or other explosive or combustible materials which may be kept in any store or building, within any specified part of the village.

5. To determine the existence of a public nuisance in any part of the village, and to compel its removal or abatement, and if not done within such time as the trustees may allow therefor, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien on the lot, and to enforce the collection thereof, in the manner prescribed in this act.

6. To prohibit the erection of wooden buildings, within or in the vicinity of the compact part of the village, to be specified.

7. To prohibit the flying of kites, playing ball, rolling hoops, sliding down hill, firing of guns, or artificial fireworks, or fast driving of horses, in any specified streets or parts of the village.

8. To appoint and dismiss firemen and members of fire engine and hook and ladder companies, and to make regulations for their conduct and government.

9. To grade and improve streets or parts of streets not already graded, and to lay out new streets, and to extend streets, or to widen those which are less than three rods wide, and grade and improve such new streets or parts of thereof, or the part extended or widened, and to cause the damages and expenses to be assessed, collected and paid, in the manner and under the restrictions prescribed in this act.

10. To give names to streets and numbers to tenements and lots, and to change the same. To cause a map of the village to be made and lithographed or engraved, and to sell the same to reimburse the expense thereof.

11. To cause prosecution upon any contract or liability in which the village is interested, or for fines and penalties imposed by this act, or by any by-law of the village, and to enforce the collection thereof, or to remit the same or any part thereof. ^{Ibid.}

12. To employ attorneys in the prosecution or defense of any action by or against the village, for the transaction of any business of the village requiring professional skill.

13. To do any act necessary to carry into effect any resolution, ordinance or other proceeding, which by this act they are authorized to adopt.

GRADING, LAYING OUT AND IMPROVING STREETS.

Streets.

§ 29. The trustees may determine the grade of the streets in the village, and cause the same to be conformed thereto, by the highway labor assessed therein.

§ 30. The trustees may also, upon application in writing of any person owning a lot subject to be assessed as provided in this section, cause to be opened, graded and made by means of an assessment upon lots interested in the improvement, as hereafter provided, any new street, which part has not been heretofore made and graded, by means of an assessment on the lots fronting thereon, under an ordinance of the trustees of the village of Pulaski under any charter.

Ibid.

§ 31. The trustees, upon an application in writing of a majority of the persons who own lots fronting on a proposed street (such persons being also the owners of more than half the extent in front of such lots) may lay out and establish any new street within the village, or upon application of such majority of the owners of lots fronting on any street, may extend such street in length, or if it be less than three rods wide, may increase in width to a width not exceeding sixty feet.

Ibid.

§ 32. Before a street, or part of a street, can be ordered by the trustees to be laid out or graded and made, as provided in either of the last two sections, a notice of the application, subscribed by the president of the village, stating the time and place where the same will be considered, must be published in a newspaper printed in the village, for at least two successive weeks before the time appointed therefor, inviting all persons who may be interested to appear and show cause, if they have any, against the application; an affidavit showing such application, and also an affidavit showing who are the owners of lots subject to assessment for such improvement, together with the application, must be filed, and an entry thereof must be made, in the journal of the village, in case the application shall be granted.

Grading, &c. § 33. The ordinance for making and grading a street, or

part of a street, must direct the expense of the improvement to be estimated and assessed upon all the lots fronting upon the street, or part of a street, to be improved, or upon the owners thereof, in proportion to the benefit which the owners shall respectively be deemed to acquire thereby.

§ 34. The ordinance to lay out a street, where the consent of all the owners of property, taken expressly, waiving claims for damages, be not first obtained and filed with the clerk, must direct the damages to the owner of any lot over which the street is laid out, who has not waived his claim for damages, to be estimated and assessed on all the lots, or on the owners of the lots fronting on the proposed street, or in the vicinity thereof, and manifestly benefited thereby, in proportion to the benefit which the owners respectively shall be deemed to acquire thereby.

Consent of
property
owners, &c.

§ 35. The trustees must, within sixty days after the annual meeting, direct the assessors to proceed and assess upon the taxable inhabitants and property liable to assessment and taxation in the village, such sum as they may deem necessary, besides funds received and estimated to be received from other sources to defray the ordinary expenses of the village for the current year, not to exceed the amount allowed for that purpose by the annual meeting; also the sum required by this act to be raised and applied toward payment of the debt of the village; also any sum directed to be raised for a special purpose, and which, under the provisions of this act, can be raised in that year. The aggregate for special purposes, shall in no case exceed one thousand dollars, and the whole aggregate for all purposes, shall not exceed two thousand five hundred dollars, in one year. They must, also, in addition, determine the number of days of highway labor to be assessed for every thousand dollars valuation on the assessment roll, and which must not be less than two, or more than four days, for every thousand dollars.

Assessors to
assess, &c.

SIDEWALKS—NUISANCES.

§ 36. Whenever the trustees shall direct a sidewalk in front of any lot, to be made, they must direct the grades, width and form of construction, and may prescribe the materials, or direct it to be covered with flagging, stone, hard brick or plank, with such curbing as they may deem proper; when required to be covered with flagging or brick, at least sixty days notice must be given to the owner or occupant

jourment, and must certify the same upon the records of the village, together with any resolutions adopted by the meeting.

Oath of
office.

§ 9. The several officers elected, must each, before entering on the duties of his office, take the oath of office prescribed by the constitution. The president, trustees and chief fireman, shall render service without compensation; the assessors shall be paid such compensation as the trustees may prescribe, not to exceed the amount paid to town assessors for similar services. The compensation of the treasurer, street commissioner, clerk, and police constable, must be determined by the trustees, and paid out of the general fund. The omission of any officer to take the oath of office, or when security is required, to give the security, and file such oath or security with the clerk, within eight days after an election or appointment, shall be deemed a refusal to take the office.

Compensation
of
treasurer,
&c.

Vacancy.

§ 10. A vacancy in any office may be filled by the trustees by the appointment of a person to the office; if the office be elective, to hold until the next annual meeting; if it be any other office, to hold during the pleasure of the trustees.

FINANCIAL REGULATIONS AND RESTRICTIONS.

Resolutions
may be
passed.

§ 11. The annual meeting in addition to the election of officers, may pass such resolutions as it may seem fit, and instructing the trustees in the discharge of their duties; and the trustees are bound by such instruction, so far as they are within the powers by this act conferred, on such meeting or on the trustees. The meeting must also determine the sum to be raised by general tax upon the taxable property in the village for the ordinary expenses of the village. The failure at such meeting to fix upon the sum, shall be deemed the adoption of the sum which was so raised for that purpose the last preceding year.

§ 12. The following items only are included in the ordinary expenses of the village:

1. The compensation to those officers of the village to whom compensation is expressly allowed by law;

2. For publishing the charter and by-laws of the village, the proceedings of the trustees, notices of the annual and special meetings, and all other notices and papers required or authorized by this act, to be published;

Expenses of
village.

3. For defraying the expenses of necessary surveys and maps of the village, and of the streets, public squares, and cemeteries;

4. For procuring the necessary blank books and blank forms, paper and book cases for the use of the clerk and other village officers, and for rent of a room and furniture, fuel and lights, for the meetings of the trustees, and of the annual and special meetings of the electors;

5. For prosecuting and defending actions in which the village is a party or bound to indemnify a party, and for other services requiring legal skill;

6. For constructing and repairing crosswalks;

7. For the necessary advances for making sidewalks, or for abating nuisances, after such proceedings have been had as to make such expenses a lien upon real property, upon failure of the owners to comply with the directions of the trustees in respect thereto;

8. For maintaining and keeping in repair and serviceable ^{ibid.} condition the fire engines, fire hooks and ladders, and other necessary apparatus for extinguishing fire. The number of fire engines not to exceed one for each two thousand inhabitants, and one additional engine for every fifteen hundred inhabitants over two thousand;

9. For maintaining and keeping in repair and in good order for use, an engine house for each engine and its apparatus, or for hiring suitable places for those purposes when necessary;

10. For keeping in repair the public reservoirs which now are or hereafter may be constructed, and the water pipes and fixtures connected therewith;

11. For making and maintaining sidewalks in front of ^{ibid.} the public grounds in said village, set apart and dedicated to public use, for making and maintaining fences around such grounds, and for planting and securing trees in and about such grounds, and for paying taxes and assessments lawfully assessed on such public grounds, or any property of the village;

12. For precautionary measures to guard the public health in times of pestilence, and to provide against the small pox or other infectious or pestilential diseases, when they appear in the village, by providing suitable places for the temporary removal of such persons from populous parts of the village, and defraying the expenses incident to such removal;

13. For the necessary expenses of doing any act expressly required or authorized by law.

§ 13. Such meeting may, by resolution, also direct the ^{Tax.}

trustees to cause to be raised, by general tax upon the taxable property in the village, a specified sum of money for special purposes, in addition to the ordinary expenses of the village, in the cases and manner, and under the restrictions hereinafter prescribed; it must be for one or more of the following objects:

To purchase 1. To purchase fire engines to supply the place of those worn out or unfit for use, or for a new fire company when the number of inhabitants justifies the purchase of another engine, as prescribed in subdivision eight of last section.

2. To purchase or to hire a site and building for a suitable fire engine house, when necessary for an additional engine.

3. For the construction of public reservoirs of water, and procuring ground for the same, and for supplying the same with water, and conducting water to and from them and the necessary fixtures therefor for the extinguishment of fires.

Streets. 4. For improving the public squares in the village, by leveling or grading the same, and by enclosing the reservoirs thereon by iron fences, to render them secure against accidents.

Special tax. § 14. Before any tax for a special purpose can be voted for at the annual or special meeting, a notice must be published, for at least two weeks next before such meeting, in all the newspapers published weekly or oftener in said village, subscribed by the president and a majority of the trustees, stating that the meeting will be called upon to vote for a special tax, specifying the object, stating the sum proposed to be raised, and an estimate by items of the whole cost of the proposed object.

Resolution to raise money. § 15. A resolution to raise money by tax, must be to defray the ordinary expenses of the village, or for a special purpose, to be therein designated, stating the whole sum estimated for the expense of such purposes; it can embrace but one special purpose, and must be voted upon separately. A resolution to raise money by tax, for a special purpose, or which necessarily requires a special tax for its accomplishment, adopted in violation of this section, is void.

Application of money. § 16. The money so raised must be applied to the specified purpose only, and must be kept a distinct fund in a separate account on the treasurer's books, except that its purpose and object may be changed to any other object by a subsequent resolution of another meeting, adopted after

due notice in the same manner as herein provided for the resolution directing such tax, when such change can be made without violating a contract.

§ 17. When the entire estimated expenses of completing any special object, for which a tax shall be directed to be raised as provided in section twelve, or when the aggregate estimated expense of all such special purposes, for which a tax shall be directed to be raised at any meeting or in any year, shall not exceed five hundred dollars, the whole amount thereof must be assessed, and the warrant for the collection thereof must be issued, within the year in which the resolution is adopted. If the whole amount required exceed five hundred dollars, the excess over that sum and not exceeding five hundred dollars more, must be assessed, and the warrant for the collection thereof issued during the second year, and if the whole expense exceed one thousand dollars, the remainder not exceeding five hundred dollars, must in like manner be assessed, and the warrant for the collection thereof must be issued during the third year. The aggregate amount for all such special objects and purposes required at any one meeting, or in any one year, can not exceed fifteen hundred dollars including interest, until the sum can be paid by three annual assessments as above provided. And when once ordered, no subsequent action of a meeting shall be necessary to enable the trustees for the two succeeding years, to cause the respective shares for those years to be assessed and collected as above provided.

§ 18. A resolution to raise money for a special purpose as herein above provided, or to increase the amount for the ordinary expenses of the village for the current year, may be adopted at a special meeting called by the trustees upon a notice subscribed by the president and a majority of the trustees, specifying the object and amount in the same manner, and to be published as required in section fourteen. But no such resolution can be adopted within three months next preceding the time appointed for the next annual meeting and election, nor can the aggregate amount for special purposes to be assessed in any one year, ever exceed one thousand dollars.

§ 19. Money can not be borrowed on the credit of the village, nor can any debt be created in its behalf payable at a future time, nor can any debt or liability be incurred by the village except for the ordinary expenses of the village, within the income of the current year applicable to

that purpose, nor can any money or property of the village be appropriated or applied for any purpose except as authorized by this act, except that when the raising of money for a special purpose shall be ordered, as provided in this act, the amount when necessary may be borrowed, or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by tax, as herein provided.

Any officer
creating
debt, &c.

§ 20. Any officer or person who shall assume to create a debt, or incur a liability, or appropriate any money or property of the village contrary to the last section, or shall assent thereto, shall be personally liable for such debt or liability, and to the village for such money or property, and all the trustees present at a meeting when such violation shall have been enacted, shall be deemed to have assented, unless his dissent be expressed thereat and entered upon the journal. Any willful violation of the last section shall also be a misdemeanor.

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Cemetery.

§ 21. The trustees shall have the custody of the public cemetery which now belongs or hereafter may belong to said village, and may grant the right of interment therein in separate lots or otherwise. They may purchase and keep a hearse and other conveniences for the burial of the dead, and may appoint one or more officers to superintend and have the care of all such property; they may also impose and require the payment of such sums for the privileges of burial, or for burial lots and for officers' fees as they may see fit: they may improve the grounds and purchase and keep the same, including fences, walks, a public vault, hearse, and other articles in proper order and condition, such purchases, repairs and improvements can only be made out of the receipts and fees, authorized by this section, to be kept as a distinct fund.

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to institute prosecution for their violation. He has the power and it is his duty to suspend, until after the next annual election, the operation of any resolution or ordinance of the trustees, by his order, to be entered upon the records of the village with his reasons therefor, when in his judgment it is in violation of this act, or of any of the laws of this state, or appropriates money or involves expenditures improvidently. The president, in behalf of the village, must execute all leases, contracts, licenses and other papers to be executed as the act of the village when so authorized by the trustees.

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1. All moneys raised or received, and from what sources, distinguishing also the funds, and the purposes to which they belong;

2. All payments, specifying each item and out of what fund, and showing whether any items, and if any, stating them, have been allowed and disallowed by the trustees, and to whom paid;

3. The entire indebtedness of the village, if any, distinguishing the funds indebted, and stating the payments thereon, and when made.

The president must also submit an estimate of the amount required to be raised by tax for the ensuing year for ordinary village expenditures, specifying details as far as practicable; it may also contain such statement as the president may deem useful for the information of the meeting.

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ladders, and other means and apparatus for the prevention and extinguishment of fires, are at all times in proper condition.

2. To be present at fires of buildings, and to take the chief direction and general management of fire companies.

3. To enter any building when he has reason to apprehend that any fire-place, stove or pipe, or ashes are in a dangerous or insecure condition, and to cause the same to be made safe.

CLERK'S DUTIES, RECORDS AND PAPERS.

Clerk.

§ 57. The clerk must attend the meetings of the trustees, and the annual and special meetings of the electors, and record in a book known as the journal of the village, all resolutions, ordinances, directions and other determinations adopted at such meetings, including the election of officers, with their oaths of office; he must also enter in a book, to be known as the clerk's minutes, a memorandum of all notices served by him, stating the time and manner of service, with any other minutes directed by this act to be kept by him; he must serve all notices, and file all papers required by the trustees or by this act, make copies of assessment rolls, tax lists, and other papers required by the trustees or president, and keep in good order the books and papers pertaining to his office.

Journal of
village.

§ 58. The entries in the journal, or sworn copies thereof, are sufficient evidence of acts lawfully entered; the entries in the clerk's minutes are presumptive evidence of the facts therein stated; and when a notice is required by this act or by the trustees to be served or published, an affidavit of such service by the clerk, made and filed within ten days thereafter; or if published in a newspaper, an affidavit by the publisher or his foreman, made and filed within ten days after the last publication, is sufficient evidence of the facts therein stated; but this section shall not prevent the truth and correctness of such entries from being controverted or countervailed by other proofs, in an action brought within one year after the entries are made or papers filed, to vacate the same, in which action their truth or correctness shall be expressly called in question by the pleadings.

POLICE CONSTABLES.

§ 59. The police constable has the powers within the village of a constable of the town, and is subject to the same duties and liabilities, and must give security in the same manner, to be approved by the trustees, and filed with the clerk of the village; it is his special duty to see that the police regulations of the village are observed, and to discover and report to the president and trustees, all violations thereof; he has the power, without process, to arrest and bring before a magistrate, persons guilty in his presence, of violating the public peace, or any village ordinance, for the preservation of public order and decorum, and he may likewise take into custody any person intoxicated so as to be unable to take care of himself, and keep him in a proper place provided by the trustees until provided for by his friends, or able to go about his business; and every such arrest must be immediately reported in writing, stating the cause of arrest, by him to the president of the village, and to a magistrate therein; the police constable is entitled to the same fees as other constables for similar services; deputy police constables may be appointed by the trustees for any special service or occasion; to have no fees, but to be paid a stated sum for each day's service as such, but with no power to serve civil process.

Police constable.

MANNER OF SERVING NOTICES.

§ 60. When notice is required by this act to be given to the owners of property, it may be served by delivery of a copy personally to the owner, or if he be absent from home, by leaving such copy at his residence, with a person of suitable age and discretion; when an owner resides out of the village, notice to him may be served on his tenants in possession, or when the premises are unoccupied, on his agent, if a notice of such agency subscribed by the owner, shall have been filed with the clerk of the village. In other cases they may be served by publishing the same in a newspaper printed and published in the village, addressed to the owner by name, or generally to the owner of the lot, to be designated by the number if any, and street; an affidavit by the clerk stating the service of such notice, and specifying the manner thereof, filed in his office within ten days after the service, with a memorandum thereof made in his

Notices.

book of minutes, shall be presumptive evidence of such service. Notice to the owner is, in all cases, to be deemed notice to the encumbrancers, so far as their interests are involved in the proceedings.

SALE OF LOTS FOR ASSESSMENTS.

Sale of lots.

§ 61. When a tax or assessment which is a lien upon a lot shall be returned by the collector unsatisfied, or when a lien upon a lot shall arise from default of the owner to make or repair a sidewalk, or remove or abate a nuisance, it may be enforced by an order of the trustees, directing the lot to be leased for a time sufficient to pay the lien, and interest and costs. The order must describe the lot, and the trustees must estimate therein according to their best judgment, the length of time for which the use of the lot will be worth the amount required to be raised, with interest and costs.

Order of president.

§ 62. Upon such order the president must cause a notice to be published for three successive weeks in a newspaper printed and published in the village, stating the amount required, including the interest, to the time of the first publication, and designating the time and place when the lot will be leased at public auction to pay the same; after such notice, payment thereof, with interest and costs of advertising, not to exceed three dollars for lot or parcel, may be made at any time before the property is struck off. If payment is not made, the president must cause the property to be leased to the person and to his assigns, who will take the same for the shortest term, and will pay therefor the amount required with interest and costs. Such terms can in no case exceed double the time estimated by the trustees in the order directing the property to be leased; but the time which may elapse, after the sale before possession is obtained, reasonable diligence for that purpose being used, shall constitute no part of the term. Such lessee has the same remedies to obtain possession, if withheld, as a purchaser under an execution on a sheriff's sale after title is perfected.

§ 63. An affidavit of the president, or of any person who may under his direction act as an auctioneer, stating the fact of the public sale, specifying the time and place thereof, the amount raised, and the length of time for which the property was struck off, must be made and filed in the office

of the clerk, and a note thereof made in the clerk's book of entries.

§ 64. After the sale notice thereof must be given by the clerk to the owner, stating the length of time for which the same was let, and the sum for which it was let; stating that unless it be redeemed by payment thereof, and ten per cent in addition to the treasurer, for the benefit of the purchaser, within thirty days after service of such notice, a lease will be executed by the president to the lessee. After thirty days from the service of the last mentioned notice a lease may be executed of the property, to the person to whom it was struck off, or his assigns for the terms for which it was struck off, briefly referring to the non-payment of the tax, assessment or lien. The lease shall be presumptive evidence that all the proceedings creating a lien, and for the enforcement thereof, to and including the lease, have been regular and according to law. Notice after sale.

§ 65. Leases, contracts and other instruments may be executed, when proper, by the president of the village substantially as follows: Leases.

The village of Pulaski,

By A—— B——,

President.

By direction of the trustees,

Proof of the handwriting of the president, and that he was such at the time the paper bears date, shall be presumptive evidence of the due execution thereof. Notices and licenses may be subscribed by the officers, to give them by their proper signatures, adding thereto their designation of office.

OF THE POLICE JUSTICE.

§ 66. The police justice shall be elected at the annual election of officers for said village, and shall hold his office for four years, and until another is elected in his place. Before entering upon the duties of his office, he shall take and subscribe the usual oath of office, and file the same in the clerk's office of Oswego county, at which office his election shall be certified by the president and clerk of said village. The said police justice shall possess the same power in all criminal cases, be subject to the same duties and liabilities, and be entitled to the same fees as justices of the peace of the several towns in this state. Police justice.

His fees shall be collected in the same manner as those of justices of the peace in similar cases. He shall reside

within the bounds of said village, and shall keep his office in some convenient place therein; and all warrants issued by any justice of the peace residing in said village in criminal cases, shall be made returnable before the said police justice, except in case of his absence from the village, or of his sickness, or of a vacancy in said office. The police justice shall enter upon his duties within one month after notice of his election.

MISCELLANEOUS.

Actions
against vil-
lage.

§ 67. Actions may be maintained by and against the village in the same manner as by and against other corporations. Actions for penalties may be brought before a justice of the peace in the village, and it is not a valid objection against a justice or juror, in any action, that he is a resident of the village, or subject to taxation therein.

§ 68. All the public streets in the village laid down on the several maps thereof heretofore laid out or dedicated to public use, are hereby declared public highways; but this is not to be construed to affect the rights or duties of any incorporated company in respect to the keeping in repair, or the right to take toll on a turnpike or any plank road.

§ 69. All former acts incorporating the village of Pulaski, and the act amendatory thereof, are repealed; but this repeal does not affect the validity of any proceedings heretofore had, nor prevent the collection of any taxes or assessments made, or the enforcement of any rights acquired under its provisions, and the corporation hereby created succeeds to all the property, rights and duties of the corporation for which this is substituted, subject to the provisions of this act.

Term of
office.

§ 70. The president, trustees and other officers in said village shall hold their offices until and including the last Tuesday of May, one thousand eight hundred and fifty-eight, and on that day the first annual meeting and election of officers, under this act, shall be held at the court house in said village, and the trustees then in office shall preside at such election and act as inspectors thereof.

§ 71. This act shall take effect immediately, so far as the same is consistent with the officers of said village holding their offices until the first meeting and election of officers under this act.

Chap. 359.

AN ACT to amend an act entitled "An act for the prevention of masquerades, passed April twenty-fifth, eighteen hundred and twenty-nine."

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of an act entitled "an act for the prevention of masquerades," passed April twenty-fifth, eighteen hundred and twenty-nine, is hereby amended so as to read as follows:

§ 2. Any person offending against the provisions of this act in the city of New York or Brooklyn, shall be guilty of a misdemeanor, punishable by a fine of not less than two thousand five hundred dollars, nor of more than five thousand dollars, or by imprisonment in any prison in this state for a term of not less than six nor for more than twenty-four months, or both.

§ 2. This act shall take effect immediately.

Chap. 360.

AN ACT in relation to the issue of grants for land under water, by the corporation of the city of New York.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the second section of an act for the appointment of a commission for the preservation of

the harbor of New York from encroachments, and to prevent obstructions to the necessary navigation thereof, passed March thirteenth, eighteen hundred and fifty-five, viz., as follows: No grants of land under water, in respect to which the said commissioners are herein required to report, shall be made by the commissioners of the land office, or by the common council of the city of New York, or by any officer, board or corporation, until the further direction of the legislature in the premises, is hereby repealed, and shall take effect immediately, but no grants are to be made beyond the exterior lines of the city, as fixed by an act of the legislature, passed April seventeenth, eighteen hundred and fifty-seven, entitled "An act to establish bulkhead and pier lines for the port of New York."

Chap. 361.

AN ACT to provide for increasing the depth of the channel of the Hudson river opposite the city of Troy.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal commissioners are hereby authorized and required to make, by dredging or otherwise, such depth and breadth of channel in the Hudson river opposite the city of Troy, and adjoining to and in front of the wharf or dock on said river, that is now owned and occupied by the state of New York, as will be sufficient to pass vessels drawing eight feet of water; provided the same shall not cost to exceed one thousand dollars, which sum of money is hereby appropriated, or so much thereof as may be necessary to complete the same, to be paid out of any moneys appropriated or to be appropriated to the repair of the canals.

§ 2. This act shall take effect immediately.

Chap. 362.

AN ACT authorizing the appraisal and payment of canal damages to Letty Turrel.

Passed April 19, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to hear, examine and determine the claim of Letty Turrel, of the town of Perrinton, in the county of Monroe, for damages alleged to have been sustained by her by reason of the attempted construction of a new line of the Erie canal through her land, between Fairport and Brighton, in said county, in the year eighteen hundred and fifty-two, and award to her such damage as she may have sustained by reason of such attempted construction, if in their opinion the state is legally for equitably liable to pay the same, subject to an appeal to the canal board as in other cases.

§ 2. The treasurer shall pay, on the warrant of the auditor of the canal department, such sum as may be awarded by the canal appraisers, or upon appeal to the canal board, to the said Letty Turrel, her heirs or assigns, out of any money in the treasury appropriated or to be appropriated to the enlargement of the Erie canal.

Chap. 363.

AN ACT to authorize the Superintendent of the Banking Department to execute an assignment of a mortgage to William N. Clark, President of the Farmers' Bank of Geneva.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. On the application of James R. Rees, executor of the last will and testament of James Rees, deceased, the superintendent of the banking department is hereby authorized and required to execute an assignment of a certain mortgage executed by the said James Rees, deceased, to William N. Clark, president of the Farmers' Bank of Geneva, given to secure the sum of five thousand dollars, and dated August nineteen, eighteen hundred and thirty-nine; provided the said superintendent is satisfied that the mortgage above mentioned has been paid to the said William N. Clark, president of the Farmers' Bank of Geneva.

Chap. 364.

AN ACT to provide for the erection of a bridge across the Oswego river at Minetto, in the county of Oswego.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of Oswego, at its first meeting after the passage of this act, shall

appoint three commissioners, whose duty it shall be to contract for and superintend the erection of a bridge across the Oswego river, at Minetto, in the town of Oswego, Oswego county, at a cost not exceeding four thousand dollars; provided, that before making such contract there shall be raised by subscription, and paid over to such commissioners for the purpose of building such bridge, the sum of fifteen hundred dollars. And in case said sum of fifteen hundred dollars shall be raised as aforesaid, the said board of supervisors shall assess upon the county of Oswego, one thousand dollars, and upon the towns of Oswego, Scriba and Volney, such further sum as may be required for the erection of such bridge, not exceeding the sum of fifteen hundred dollars, equal amount upon each towns, to be collected in such manner as town and county taxes are collected in said towns; and the said last mentioned sum, when collected, shall be paid over to the treasurer of said county, and shall be by him paid to the order of said commissioners, or a majority of them.

§ 2. This act shall take effect immediately.

Chap. 365.

AN ACT to authorize the appraisal and payment of canal damages to Horatio Jones, third, and others.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal appraisers are hereby authorized and required to hear, examine and determine the claim of Horatio Jones, third, Thomas J. Jones, Fayette Jones, Charles Jones, Hiram Jones, James M. Jones, the widow and heirs of Lucien B. Jones, deceased, and Bill Jones, of Lester, Livingston county, for damages alleged to have been sustained by them by reason of the overflowing of their

lands by waters of Samp's creek, in said town of Lester, on account of the obstructions in said creek by reason of the filling up of the culvert under the Genesee Valley canal, from the alleged negligence of the superintendent of canal repairs to keep said culvert open and free for the passage of the water of said creek through the same, on the first of December, eighteen hundred and fifty-seven, and theretofore.

§ 2. If the parties named in the foregoing section have sustained damages as alleged, from the cause alleged, and for which the state is justly or equitably liable, the canal appraisers shall award to them respectively, such sum therefor as in their judgment shall be just and equitable.

§ 3. The treasurer shall pay on the warrant of the auditor, such sum or sums as may be awarded under and by virtue of this act, out of any moneys in the treasury, appropriated or to be appropriated to the repairs of the canals.

§ 4. The award of the appraisers shall be subject to appeal to the canal board, as in other cases.

§ 5. This act shall take effect immediately.

Chap. 366.

AN ACT for the appraisal and payment of canal damages to William P. Pollard.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The canal appraisers are hereby authorized and required to examine and determine the claim of William P. Pollard, of the town of Seneca Falls, and county of Seneca, for alleged damage to his village lot, situate in the village of Seneca Falls, and adjoining the towpath of the Cayuga and Seneca canal, in said village, which damages are alleged to have been caused by said premises having been taken and appropriated by the state for the enlargement of said canal, and the removal and sale of the building

thereon by order of the state; and if it shall appear that any damages have been sustained, for which the state is justly liable, then the said appraisers shall award such sum therefor, as shall to them seem just and equitable; such appraisal and award, if any be made, shall be subject to appeal to the canal board as in other cases.

§ 2. The treasurer shall pay on the warrant of the auditor of the canal department, such damages as may be awarded under and by virtue of the first section of this act, out of any moneys in the treasury appropriated or to be appropriated to the enlargement of the Cayuga and Seneca canal.

§ 3. This act shall take effect immediately.

Chap. 367.

AN ACT to provide for certain expenses of government for the fiscal year eighteen hundred and fifty-eight.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The treasurer of this state shall pay on the warrant of the comptroller, to James Terwilliger, for his services as clerk of the "select committee of eight," of the senate, the sum of one hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 368.

AN ACT for the protection and civilization of the St. Regis Indians.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioner to be appointed.

SECTION 1. The governor of this state is hereby authorized to appoint a commissioner for the St. Regis tribe of Indians, residing on the St. Regis reservation, in this state, which commissioner shall hold his office until the next annual meeting of the board of supervisors of Franklin county, or until his successor is appointed, as provided for in the following section :

Supervisors to elect commissioner.

§ 2. At the ensuing annual meeting of the board of supervisors of Franklin county, said supervisors shall proceed to elect by ballot, a commissioner for the St. Regis tribe of Indians aforesaid, which commissioner shall receive two-thirds of the votes of all the supervisors present, and shall hold his office for the term of three years, and the supervisors shall have the power to elect a successor at any time thereafter, to fill any vacancy which may occur by resignation or otherwise.

Duty of commissioner.

§ 3. It shall be the duty of said commissioner to receive from the comptroller of this state, the annuities due from the people of this state to the St. Regis tribe of Indians, and portion and pay the same over to the heads of the families belonging to said tribe, by paying to each their equal share of said annuities, and to take from each the necessary receipt therefor; the commissioner shall receive from the people of the state of New York, the sum of four per cent on the amount of money so received and paid out as aforesaid.

Ibid.

§ 4. It shall be the duty of the said commissioner to ascertain the number of families belonging to the said St. Regis tribe of Indians, and to collect all moneys due, or to become due on any of the lands in said St. Regis reservation, which are now leased by said tribe or otherwise, and

to pay the same over to the said Indians in the manner specified for paying their annuities.

§ 5. It shall be the duty of said commissioner to cause a ^{and} survey to be made of all the lands in the said St. Regis reservation, held as the common property of said tribe, and to divide such common lands into tracts or lots, and distribute and partition the same to and among the said Indians, according to the best judgment of said commissioner and his associates, excepting, however, from said lands, three hundred acres, which shall be set apart by the said commissioner for school purposes, which land shall be leased or farmed out by him, and the proceeds thereof shall be appropriated by said commissioner for educating the said Indians, so that the said tracts or lots so divided and apportioned, may be held in severalty and in fee simple, according to the laws of this state, the said commissioner being hereby authorized to employ and associate with him any two competent persons he may select, to aid and assist him in surveying and apportioning the said lands.

§ 6. The said commissioner is hereby authorized and empowered to execute the deeds necessary for carrying into effect the provisions of the fourth section of this act, and every such deed shall be acknowledged by the said commissioner, before the county judge of Franklin county; and said judge shall examine such deeds, and see that they be in due form, and in pursuance of the authority under which they be executed, and endorse on each deed his certificate of such examination and acknowledgment, and such certificate shall authorize the county clerk to record such deeds in the records of deeds for his county. ^{Deeds to be executed.}

§ 7. No lands thus conveyed, shall be alienable by the grantee thereof, or by the heirs of such grantee, for twenty years after the conveyance thereof; such lands shall not be subject to any incumbrance by lien, or by way of mortgage or otherwise; the said county judge shall not receive any fees for his examination, acknowledgment and certificate as aforesaid, and the county clerk shall not be entitled to receive any more than fifty cents for the recording of any such deed, and the sum of one dollar shall be retained by said commissioner, and be deducted from the annuities or other moneys to which the person requiring his or her deed shall be entitled, to pay for said deed and the recording of the same, and such sum shall include all the expenses of such deed and conveyance. ^{Lands conveyed.}

Action, how brought.

§ 8. The said commissioner is hereby authorized, in the name of the people of the state of New York, to bring any action or actions for the recovery of any money now due, or to become due, to the said Indians, or to any one or more of them; and also to bring, as aforesaid, any action or actions for any trespass committed by any person on land possessed by any* or more of said Indians, upon security for the payment of the costs of such suit being given to his satisfaction; and the like damages shall be recovered as are now provided by law in cases of willful trespass, and after deducting expenses, such damages shall be paid to the party entitled thereto.

Compensation of commissioner.

§ 9. The said commissioner shall receive the sum of three dollars per day for each day actually and necessarily spent in the performance of his duties as such commissioner, and the sum of two dollars per day for each of the persons associated with him, for each day actually and necessarily spent in the performance of their said duties.

Report of commissioner.

§ 10. It shall be the duty of said commissioner to make an annual report to the comptroller of this state, on or before the first day of December, in each year, of all his proceedings under this act. He shall also keep a correct account of all the time actually and necessarily spent by him in the performance of his duties, as aforesaid, and also of that of his associates, which account shall be sworn to by said commissioner, and audited by the comptroller of this state, and the sum allowed, together with the percentage allowed by the third section of this act, shall be paid by the treasurer, on the warrant of the comptroller of this state, out of the moneys not otherwise appropriated.

Bond of commissioner.

§ 11. Any such commissioner, before entering upon the duties of his office, shall make and execute a bond to the people of the state of New York, with good and sufficient sureties, in a sum not less than five thousand dollars, conditioned that he will faithfully perform the duties of his office, which bond shall be approved by the county judge of Franklin county, and filed in the office of the secretary of state.

§ 12. All statutes now in force authorizing the appointment or election of trustees for the said tribe, and all acts, rules and regulations, inconsistent with this act, are hereby abolished.

§ 13. This act shall take effect immediately.

* Evidently an omission, so in the original.

Chap. 369.

AN ACT to amend an act entitled "An act to authorize the Syracuse and Tully Plank Road Company to construct their road on the highway running through the lands belonging to the Onondaga Indians," passed February sixteenth, eighteen hundred and forty-eight.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second section of said act is hereby amended so as to read as follows:

All Indians residing on said reservation, or belonging to the Onondaga tribe of Indians, shall at all times be permitted to pass over so much of said road as shall be within the bounds of said reservation, and through the gate erected on said road and within said reservation, with their teams and vehicles, free of any charge or toll, whatever; but in regard to the residue of said road and the gates thereon, they shall stand on the same footing with the other inhabitants of the county of Onondaga.

Chap. 370.

AN ACT to consolidate School Districts numbers one, fourteen, fifteen and twenty-three, in the town of Malone, in the county of Franklin.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Districts
consolidated

SECTION 1. School districts numbers one, fourteen, fifteen and twenty-three, in the town of Malone, in the county of Franklin, are hereby consolidated, for the purposes in this act specified, and shall hereafter form but one school district, to be called "The Village School District of the town of Malone."

Five trustees.

§ 2. Said district shall have five trustees, all of whom shall be resident freeholders, and any three of whom shall constitute a quorum for the transaction of business. On the first Tuesday in May next after the passage of this act, at seven o'clock in the afternoon, the legal voters of said consolidated district shall assemble at the court-house in the village of Malone, and organize a school district meeting, by appointing a moderator to preside at said meeting, and a clerk to keep the minutes of its proceedings, and shall then proceed to elect five trustees, a clerk, librarian and collector of said district, in the manner prescribed by law for the election of officers of school districts. The term of office of the clerk, librarian and collector of said district shall be one year, and those first elected as above provided shall hold office for one year from the next annual meeting in said district; and the term of office of the trustees of said district, who shall be elected after the first election, shall be five years. The said trustees elected at said first election, shall determine by lot their respective terms of office, so that one shall serve one year, a second two years, a third three years, a fourth four years, and a fifth five years, from the next annual meeting in said district. There shall be elected in each year after the present, at the annual dis-

Term of
office.

dict meeting in said district, one trustee to supply the place of the trustee whose term of office will then expire. Vacancies in any of the offices in said district, shall be supplied as provided by law for filling vacancies in such offices in school districts. And said trustees shall possess all the powers, and be subject to all the duties in respect to said district, that the trustees of school districts possess and are subject to, and to such other powers and duties as are conferred or imposed by this act, or may be conferred or imposed by law. The said meeting hereby directed to be held, shall fix the time for holding the annual meeting in said district.

§ 3. The several school houses, and all school district property belonging to the said several districts hereby consolidated, shall from and after the passage of this act, be the property of the said consolidated district, to be held, used and disposed of as the like kind of property may be held, used and disposed of by other school districts. ^{School houses.}

§ 4. The said several school houses, and such others as may from time to time be hired, purchased or erected in said district for that purpose, may be used for primary schools in said district, and the said district may, in the mode prescribed by law for hiring, erecting or purchasing school houses, hire, purchase or erect, at suitable and convenient points in said district, school houses for primary schools, and a school house for a central school, for instruction in the higher grades of the English and common branches hereinafter prescribed, upon sites to be hired or purchased in the mode prescribed by law.

§ 5. The said schools shall be wholly supported by the moneys appropriated to said district, and by tax upon the taxable property in said district; and the said district shall receive its due pupil and library apportionments, according to the number of persons in said district over four years and under twenty-one years of age, authorized by law to be enumerated and reported with those forming the basis of the apportionment of public moneys to said district, and district quotas according to section three, chapter one hundred and eighty of the laws of eighteen hundred and fifty-six; and all moneys apportioned or apportionable to the said several districts by this act consolidated, upon reports already made by the trustees of said districts, but not yet paid, shall be paid to the trustees of said consolidated district; and the said consolidated district shall draw for the year eighteen ^{Schools to be supported by public moneys.}

hundred and fifty-eight, its due pupil and library apportionments, according to the number of pupils in said district as aforesaid, without regard to the length of time that a school shall have been kept in said district by a qualified teacher, in said year eighteen hundred and fifty eight, and from district quotas for said year.

Legal voters § 6. The legal voters of said district, at said meeting hereby authorized, without any other notice than the publication of this act in the several newspapers published in the village of Malone, at least one week before the said meeting, and at any annual, special or adjourned meeting legally held, after such notice of any such annual, special or adjourned meeting, and of its objects, as is by law required, may vote to raise such sums of money as they may deem expedient for hiring or purchasing school houses or sites for school houses, and erecting and repairing school houses, and for hiring and paying teachers, and purchasing maps, charts, globes and books, and providing fuel, and erecting and maintaining out-buildings, and enclosing and improving the grounds connected with the school houses in said district, and defraying the contingent expenses of said schools. But no more than one thousand dollars shall be raised by taxation in any one year, over and above the sums necessary to be raised for the payment of teachers' wages.

By-laws, &c. § 7. The trustees of said consolidated district are hereby authorized and empowered to make such by-laws and regulations as they may deem necessary to secure the prosperity, order and government of said schools, and to divide the same into primary and higher departments, and regulate the transfer of scholars from one department to another, and provide suitable instructors for each department, and direct what text books shall be used in the same; but no higher or other branches than reading, spelling, penmanship, geography, English grammar, arithmetic, history, English composition, and declamation, shall be taught in said schools; and no person not a resident of said district, and authorized to be enumerated and reported with those forming the basis of the apportionment of public moneys to said district, shall be permitted to attend any of the said schools.

Schools to be free. § 8. The said schools shall be free to all persons in said district authorized to be enumerated and reported with those forming the basis of the apportionment of public moneys to said district, and no charge for tuition shall be made against any of such persons, or against their parents, guardians or employers, either by rate-bill or otherwise.

§ 9. The trustees of said consolidated school district are authorized from time to time to make arrangements with the trustees or principal of the Franklin academy, in the village of Malone, to teach, in any or all of the several branches of education herein prescribed, any number of the scholars in said school district, on such terms and conditions as shall be deemed expedient.

Trustees to make arrangements with Franklin academy.

§ 10. The said district, and the officers thereof, and the schools therein, shall in all respects be subject to the jurisdiction and control of the commissioners of common schools of the district in which the said consolidated district is located, and to the state superintendent of common schools, the same as other school districts, and the officers thereof, and the schools therein; and all the general laws and regulations of this state in relation to common schools, shall apply to the said district and its officers and schools, except as herein otherwise provided.

Commissioners of schools.

§ 11. This act shall take effect immediately.

Chap. 371.

AN ACT to amend an act entitled "An act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelfth of "An act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

There shall be added to the general tax, for the city of Brooklyn at large, in the year eighteen hundred and fifty-eight, and yearly thereafter, and levied and collected therein, the sum of fifty-thousand dollars, which is hereby directed

to be paid to the commissioners of the sinking funds of the said city, and held and managed by them for the fall and final redemption of said bonds, and for no other purposes; and also, there shall be added to the said general tax for said city at large, in the year eighteen hundred and sixty, and yearly thereafter, such further sums of money in each of said years as shall be necessary to pay any deficiency which the net income of the water works, after paying the annual expenses thereof, shall be insufficient to pay the interest for any such year on any such bonds. It shall be the duty of the mayor and comptroller of said city, to estimate and ascertain the amount of such deficiency, and transmit a statement of the same in each year, to the board of supervisors of the county of Kings, in time to have such amount included in the general tax of the said city for that year, and it shall be the duty of the supervisors to cause said amounts to be included in such general tax.

Chap. 372.

AN ACT to amend an act entitled "An act to revise the charter of the city of Buffalo and to enlarge its boundaries," passed April 13, 1853.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Law amend-
ed.

SECTION 1. Section six of the second title of the act entitled "An act to revise the charter of the city of Buffalo, and to enlarge its boundaries," passed April thirteenth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows:

Officers to
be elected.

§ 6. The electors of each ward shall elect annually, in the manner now prescribed by law, one alderman, three inspectors of election, one supervisor and one constable. The common council shall have power to borrow from the

contingent fund, a sum sufficient to pay the salaries of aldermen for the year one thousand eight hundred and fifty eight.

§ 2. Section twenty-two of title three of said act is hereby amended so as to read as follows:

§ 22. The chairman of any committee or special committee, or of any board established by this act, shall have power to administer oaths and examine witnesses, touching any matter pending before them respectively; such chairman shall have the same power to issue subpoenas for witnesses, and compel their attendance, which a justice of the peace has on an inquiry into any matter pending before him; disobedience to such subpoena shall render the witness liable to the same penalties as for like disobedience to subpoenas issued by justices of the peace, to be enforced by such chairman in like manner; nor shall such chairman exercise such power with an order from the common council.

Chairman of committee, &c., to administer oaths.

§ 3. Section thirteen of title four of said act, is hereby amended so as to read as follows:

§ 13. It shall be the duty of the city attorney to perform all the duties pertaining to his office, under the direction of the common council. He may appoint one or more assistants, who shall have power to perform any of the duties required by law to be performed by the city attorney, under his direction, and for whose official acts or omissions he and his sureties shall be liable on their official bond; such assistants shall be paid out of the city treasury for their services, a sum not to exceed in the aggregate five hundred dollars in any one year.

Duty of city attorney.

§ 4. Section one of title five of said act, is hereby amended so as to read as follows:

§ 1. The common council shall audit and allow all accounts chargeable against the city; but no unliquidated account, or claim, or contract, shall be received for audit or allowance, unless so made out as to specify, if for services, the nature of the services, the time when and place where, by whom, and under whose direction rendered; if for merchandise or other articles, the items, date of sale or delivery, where and to whom delivered, and by whom purchased; and if for labor performed or articles furnished upon special contract, specify in addition the names of parties to and date of contract; nor unless it be accompanied with an affidavit of the person rendering it, that the services, disbursements or property therein charged, have been actually per-

Common council to admit accounts.

Actions and
answers.

formed, made or delivered for the city; that the items and specifications therein are correct; that the sums charged therefor are reasonable and just, and that no set-off exists, nor payment has been made on account thereof, except such as are included and referred to in such account or claim. It shall be a sufficient bar and answer to any action or proceeding in any court, for the collection of any demand or claim, that it has never been presented to the council for audit and allowance; or if on a contract, express or implied, that it was presented without being thus specifically made out, or without said affidavit, and rejected for either of said reasons; or that the action or proceeding was brought before the council had reasonable time to investigate and pass upon it.

§ 5. Section sixteen of title five of said act, is hereby amended so as to read as follows:

Sale for tax.

§ 16. No sale shall be valid unless made while the tax for which it is made is a lien upon the land sold. All such sales shall be made for the shortest term of years for which any person will take the premises and pay the unpaid tax, with the interest and charges. Such payment shall be made before the conclusion of the sale, and if not so made, the comptroller may resell the property, or the city may have its action for the payment and interest, at fifteen per cent per annum. The sale may be adjourned from time to time, until the lands are disposed of, and such as are not bid for when offered for sale, or for resale as aforesaid, shall be struck off to the city for the term of one hundred years. A certificate of the sale of each parcel of land sold, shall be made by the comptroller and delivered to the purchaser, provided such purchaser, shall, within thirty days from the close of the sale, take an assignment of and pay for all tax liens, if any, held by the city; but in default thereof, the certificate of sale shall issue to the city, as a bidder on the terms for which any parcel of land was sold; such certificate shall contain a description of the property, and the time for which it was sold, and the amount, with interest and expenses, for which the sale was made, and the time when the right to redeem will expire.

§ 6. Section eight of title six of said act, is hereby amended so as to read as follows:

Central
school.

§ 8. The common council may, whenever they shall deem it expedient, establish, maintain and regulate a central school, in which shall be taught such branches as the super-

intendent of schools and the school committee shall direct; and the common council may, by a vote of two-thirds of its members, purchase such land and erect such buildings thereon, as may be necessary for the purpose and use of said school, and raise the necessary money for the same as a part of the general city tax.

§ 7. The seventh section of the second title of said act, is hereby amended so as to read as follows:

§ 7. The annual city election shall be held on the same day with the state general election. Annual city election.

§ 8. Whenever it shall be made to appear that the proceedings upon any local assessment have been illegal, any party aggrieved thereby may, in any stage of such proceedings, apply to any court of competent jurisdiction to restrain further action therein, and the collection of any assessment growing out of such proceedings; and it shall be the duty of said court to restrain such action and collection in such case. Illegal assessments.

§ 9. Any person may pay any one tax or assessment upon his property, leaving another unpaid, that may desire so to do, to any officer who is authorized at the time to receive the money upon the certain taxes or assessment; and any person may pay a part of any tax or assessment, upon any part of any property owned by himself and others, and have an equitable proportion released; and the common council are required to release such just and equitable proportion on application showing such right and payment. Payment of tax, &c.

§ 10. The common council shall cause all their proceedings, together with all tax sales and ordinances, to be published in the official paper of the city, in addition to the matter now required to be published therein.

§ 11. This act shall take effect immediately.

Chap. 373.

AN ACT to legalize the acts of Frederick P. Allen, as a justice of the peace in the town of Malone, in the county of Franklin.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the acts of Frederick P. Allen, while acting as a justice of the peace, in the town of Malone, in the county of Franklin, prior to the first day of January, eighteen hundred and fifty-eight, under his election to the said office, at the annual town meeting held in said town, on the first Tuesday of March, eighteen hundred and fifty-seven, to fill a vacancy in said office, occasioned by the resignation thereof by Francis T. Heath, and which vacancy, prior to said town meeting, had been filled by the governor, by the appointment of Richard G. Foote to the said office, are hereby confirmed and declared to be as legal and valid as though the said Frederick P. Allen had been lawfully entitled to enter upon the discharge of the duties of said office immediately after such election.

§ 2. The provisions of this act shall not affect any suit commenced previous to the passage thereof.

Chap. 374.

AN ACT authorizing the Canal Board to hear and determine the claims of James W. Schenck and Walter Phelps, Jr.

Passed April 19th, 1858, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The canal board are hereby authorized to hear and determine the claims of James W. Schenck and Walter Phelps, Jr., for loss of the canal boat Union, in June, eighteen hundred and fifty-five, by being drawn into the break near Schuylerville, and in the aqueduct over Fish creek, on the Champlain canal; upon due proof, they shall award such amounts as said boat was worth before being drawn into said break, as in their opinion shall be just and equitable; and the sum of seven hundred and fifty dollars, or so much thereof as is necessary, is hereby appropriated for that purpose.

§ 2. The auditor shall draw his warrant on the treasurer to pay the amount awarded under the first section of this act, out of any moneys appropriated or to be appropriated to the repairs of the Champlain canal.

§ 3. This act shall take effect immediately.

Chap. 375.

AN ACT for the relief of the Brunswick Association, for insuring against the loss of property by fire, in the town of Brunswick and county of Rensselaer.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

To form a town insurance company.

SECTION 1. Those persons now composing the association called the Brunswick Association, for insuring against the loss of property by fire, or as many of them as shall so elect, are hereby authorized to form themselves into a town insurance company, under the provisions of an act entitled "An act to authorize the formation of town insurance companies," passed April seventeenth, eighteen hundred and fifty-seven.

Policies.

§ 2. All policies which shall have been issued, and all contracts for mutual insurance which shall have been made to, or by any person or persons who shall become members of the town insurance company authorized by this act, shall be of the same validity as if issued or made to or by such person or persons as members of such town insurance company; but all insurances which shall be made, and all policies which shall be renewed after the formation of such town insurance company, shall be made and issued in conformity to the provisions of said act; nor shall any new policies be issued, insuring any other description of property than such as is permitted in and by said act.

Policies, when they may issue.

§ 3. Said company, when so formed as herein contemplated, shall have power to issue policies, and insure any property real or personal, within said town, of the description allowed by said act, and may cause to be filed and retained by its secretary, all undertakings and other original papers of said company, instead of filing the same with the town clerk, as required by the provisions of said act. And in each month, and before the fifth day thereof, copies of

all undertakings of persons insured that shall have been received within the preceding month, shall be filed by the secretary of said company in the office of the clerk of the town of Brunswick, and such copies shall be certified by the secretary to be true copies of the originals. A copy of the annual statement mentioned in the twelfth section of said act, shall also be filed in the town clerk's office.

§ 4. This act shall take effect immediately.

Chap. 376.

AN ACT to repeal chapter eighty-six of the Session Law of eighteen hundred and fifty-seven.

Passed April 19th, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter eighty-six of the Session Laws of eighteen hundred and fifty-seven, is hereby repealed.

§ 2. This act shall take effect immediately.

**NEW TOWNS ERECTED OR BOUNDARIES
ALTERED BY THE BOARD OF SUPER-
VISORS.**

Chap. 377.

TOWN OF AFTON, IN THE COUNTY OF CHENANGO.

AN ACT to erect a town of Afton, in the county of Chenango, by the Board of Supervisors thereof.

Passed November 18, 1857, two-thirds of all the members elected voting in its favor.

Whereas an application has been made to this board, subscribed by at least twelve freeholders of the town of Bainbridge, and this board having been furnished with a map and survey of the said town to be affected thereby, showing the proposed alteration; and whereas, it appears by evidence furnished to this board, that a notice of such intended application, subscribed by at least twelve freeholders of the town thereby affected, was duly published in three of the newspapers of said county, at least once in each week for six weeks successively, immediately preceding said application, and that the like notices were posted in at least five of the most public places of the town thereby affected, for four weeks next previous to such application.

Therefore, be it enacted by said board of supervisors, as follows:

§ 1st. All that part of the town of Brainbridge in the said county of Chenango, bounded and described as follows, viz: Beginning at the north-west corner of lot No. 47 in said town of Brainbridge, running from thence easterly on the

line between lots No. 44 and 47, and 45 and 48, to the north-east corner of lot No. 48; thence south along the line between lots No. 48 and 49 and 51 and 52, to the north-west corner of lot No. 55; thence east along the line between lots No. 52 and 55, and 81 and 85, and 82 and 86, to the north-east corner of lot No. 86; thence south along the line between the lots No. 86 and 87, to the north-west corner of lot No. 91; thence east along the line between lots No. 87 and 91, to the north-east corner of lot No. 91; thence running the same course a direct line east to the east line of the said town of Bainbridge, containing about twenty-five thousand six hundred and forty acres of land, is hereby erected into a separate town, to be hereafter known and distinguished by the name of Afton.

§ 2. All the remaining part of the said town of Bainbridge shall remain a separate town by the name of Bainbridge.

§ 3. The first annual town meeting in the town hereby erected, shall be held at the house of Rufus P. Greene, in said town, on the first Tuesday in March next, and thereafter the same shall be held on the same day that other towns hold their annual town meetings in the said county.

§ 4. Merlin Jackson, Charles W. Griswold, and Albert C. Hyde, are hereby appointed to preside at the first town meeting to be held in the said town of Afton, to appoint a clerk, open and keep the polls, and shall have and exercise the same powers as justices of the peace when presiding at town meetings.

§ 5. The next annual town meeting to be held in the said town of Bainbridge shall be held at the hotel of Scofield & Bennett, in the village and town of Bainbridge, in said county of Chenango.

§ 6. This act shall take effect immediately, but nothing herein contained shall in any manner affect the authority of the collector of the town of Bainbridge, as the same has heretofore existed, for the current year, nor in any manner to affect or impair the power or duty of any town officers of the said town of Bainbridge, within the limits aforesaid, until after the election and qualification of officers of the said town of Afton, at the election hereinbefore provided for, or during the term of office for which any such officer shall have been elected.

JOHN KERSHAW, *Chairman*

of the Board of Supervisors of the County of Chenango.
W. N. MASON, *Clerk of said Board.*

Chenango County, ss:

I, William N. Mason, clerk of the board of supervisors of Chenango county, do certify that the above is a true copy of an act passed by the board of supervisors of Chenango county on the 18th day of November, A. D. 1857, two-thirds of all the members elected to said board voting in its favor, and that the accompanying map is a copy of the one presented to said board with the application for the erection of said town of Afton.

Witness my hand, Jany. 1, 1858.

W. N. MASON, *Clerk.*

Chap. 378.

AN ACT to alter the town line between the towns of Unadilla and Butternuts, in the county of Otsego, by the Board of Supervisors thereof.

Passed November 20, 1857, two-thirds of all the members elected to such board voting in its favor.

Whereas, An application has been made to this board, subscribed by at least twelve freeholders of the town of Unadilla, and also subscribed by at least twelve freeholders of the town of Butternuts, and this board having been furnished with a map and survey of the said towns to be affected thereby, showing the proposed alteration; and whereas, it appears, by evidence furnished to this board, that a notice of such intended application, subscribed by at least twelve freeholders of the towns thereby affected, was duly published in three of the newspapers published in said county, at least once in each week, for six weeks respectively, immediately preceding said application, and that the like notices were posted in at least four of the most public places in the towns thereby effected, for four weeks next previous to such application.

Therefore be it enacted by the said board of supervisors as follows:

SECTION 1. The town line between the towns of Unadilla and Butternuts in said county, is hereby altered by commencing on the north line of the said town of Unadilla at the north-east corner of lot No. 69, in the Morris Patent, and running thence south along the east line of lots No. 69 and 75 in the said Morris Patent to the south-east corner of said lot No. 75; thence west on the south line of lots No. 75, 74, 73, 72 and 71, in said Morris Patent until it intersects the line between the Morris and Upton Patents. Thence south on the said Upton Patent line to the south-east corner of lot No. 45, in the said Upton Patent; and thence west along the north line of lots No. 46, 59, 60, 73 and 74, in said Upton Patent, till it intersects the west bounds of said county, at the Unadilla river. All the territory lying north of the line above described and which now forms a part of the said town of Unadilla, shall hereafter be known and form a part of the said town of Butternuts.

§ 2. This act shall take effect on the first day of March, 1858. But nothing herein contained shall in any manner affect the authority of the collector of the town of Unadilla as the same has heretofore existed for the current year, nor in any manner to affect or impair the power or authority of any town officer of the said town of Unadilla within the limits aforesaid.

Signed,
M. B. ANGELL, Clerk.

L. C. TURNER, Chairman.

Chap. 379.

AN ACT to erect the town of Altona, in the county of Clinton, by the Board of Supervisors thereof.

Whereas, an application has been made to the board of supervisors of the county of Clinton, subscribed by at least twelve freeholders of the town of Chazy, for the division of

that town and the erection of a new town therefrom; and the said board having been furnished with a map and survey of said town to be affected, showing the proposed division;

And whereas, it appears by evidence furnished to said board, that a notice of such application, subscribed by at least twelve freeholders of the town thereby affected, was duly published in three of the newspapers of said county, once a week for six weeks successively, immediately preceding said application, and that like notices were posted in at least five public places in said town thereby affected, for four weeks next previous to said application;

Therefore, be it enacted, by said board of supervisors as follows:

SECTION 1. All that part of the town of Chazy, lying west of a line commencing at the southeast corner of Duerville Patent, at the southeast corner of lot No. 145, in said patent, and running thence northerly along the east line of Duerville Patent, to the northeast corner thereof, being the northeast corner of lot No. 152, of said patent; thence northwesterly in a straight line to the southeast corner of lot No. 51, of the Canadian and Nova Scotia Refugee Tract; thence northerly along the east line of lots No. 51, 50 and 49, of said Canadian and Nova Scotia Refugee Tract, to the south line of the town of Mooers, and bounded on the north by the south line of Mooers; east by the line first above in this section mentioned; south by the north lines of Beekmantown and Dannemora, and on the west by the east line of Ellenburgh, is hereby erected into a separate town, to be known and distinguished by the name of *Altona*.

§ 2. All the remaining part of the town of Chazy, shall be and remain a separate town by the name of Chazy.

§ 3. The first town meeting in the town of Altona, hereby erected, shall be held at the old Gate House, now kept by John Osgood, on the first Tuesday of March next, and thereafter the same shall be held on the same day that the other towns hold their town meetings in said county of Clinton.

§ 4. Isaac Marsh, William Graham and John Osgood, are hereby appointed to preside at the first town meeting in said town of Altona, and shall have and exercise the same power as justices of the peace, when presiding at town meeting, and to appoint a clerk and to open and keep the polls.

§ 5. Nothing in this act shall affect the right, or abridge the term of office on any justice of the peace, or other offi-

cers in either of said towns, whose term of office has not expired.

Passed December 2, 1857, two-thirds of all the members elected to said Board, voting in favor thereof.

BOARD OF SUPERVISORS, }
Clinton County. } ss.

We do hereby certify, that we have compared the foregoing with the original act passed by the board of supervisors of said county, and that the same is a correct transcript therefrom and the whole of such original, and that the map thereunto annexed, is a correct copy of one presented to said board, with the application for the erection of said town of Altona.

In witness whereof, we have hereunto set our hands this third day of December, 1857.

JOHN FITZGERALD,

Chairman board supervisors.

PETER S. PALMER,

Clerk board supervisors.



CONCURRENT RESOLUTIONS
OF THE
SENATE AND ASSEMBLY.

STATE OF NEW YORK, }
In Senate, February 4, 1858. }

Resolved (if the assembly concur), That the four swords of the late Major-General William J. Worth, presented to him for gallant and meritorious services, be placed in custody of the trustees of the State Library, to be shown to the public, under proper restrictions, in said library, and be so kept until the family of the deceased general shall think proper to reclaim them.

Passed.

By order,
S. P. ALLEN, *Clerk.*

IN ASSEMBLY, *February 8, 1858.*

Passed.

By order,
DAVID WILSON, *Clerk.*

STATE OF NEW YORK, }
In Senate, February 4, 1858. }

Resolved (if the assembly concur), That our senators in congress be instructed, and our representatives requested to

use their influence to procure the passage of a law granting a pension to the surviving soldiers of the Indian wars of seventeen hundred and ninety-one to seventeen hundred and nine-five, under Generals Wayne, Harmer, and St. Clair, and to the widows of the deceased soldiers of that war.

Resolved (if the assembly concur), That his excellency the governor be requested to transmit a copy of the above resolution to our senators and representatives in congress.

Passed.

By order,

S. P. ALLEN, *Clerk*.

STATE OF NEW YORK, }
In Assembly, February 27, 1858. }

Concurred in.

By order,

D. WILSON, *Clerk*.

STATE OF NEW YORK, }
In Senate, March 5, 1858. }

Whereas, It appears from the report of the commissary-general, and other officers, that the muskets furnished by the federal government to the military forces of this state, are of an old pattern and unserviceable quality, and that the issue of such arms continues, notwithstanding the remonstrances of this state, and the fact that there are arms of the latest and most approved models in the United States arsenals, and

Whereas, This state, has with great care and attention, improved her military system, and holds in readiness to serve the republic a large and reliable force, disciplined and equipped according to act of congress, therefore be it

Resolved (if the assembly concur), That our senators in congress be instructed, and our representatives requested to urge the passage of a law which shall grant to the militia of the states, arms and equipments of the greatest efficiency, and which shall greatly increase the quantity of

arms issued, and also the passage of a law to improve the organization and discipline of the militia of the states.

And be it further *Resolved*, That the governor be requested to transmit a copy of the preamble and resolution to each of our senators and representatives in congress.

The above resolutions were duly passed.

By order of the senate,

S. P. ALLEN, *Clerk*.

In Assembly, March 8, 1858.

The above resolutions were duly passed.

By order of the assembly,

D. WILSON, *Clerk*.

CONCURRENT RESOLUTIONS IN RELATION TO THE OFFICERS OF THE REVOLUTIONARY ARMY.

Resolved (if the senate concur), That having witnessed with pleasure the efforts which were made during the past session of congress for the final settlement and payment of our revolutionary debt, we consider that our government is under the most solemn obligations to carry out the promises of the continental congress, contained in the resolutions of the 21st October, 1780, January 7th, 1781, and March 8th, 1785, by allowing to the officers of the revolutionary army, the half pay for life, to which they are entitled under the resolutions, for the payment of which the national faith is pledged. That all those senators and representatives who have taken a lively interest in behalf of the officers of the revolution, their widows and children, are entitled to the thanks and gratitude of the country.

Resolved, That our senators in congress be instructed, and our members of the house of representatives be requested to advocate and vote for a bill to provide for the final settlement and payment of the half pay for life, which was pro-

mised by the continental congress to the officers of the revolutionary army, who should serve to the end of the war, or until the time of their reduction; deducting the value of commutation certificates issued in their names; and that the amount found due be paid to the officers (if alive), and if dead, to his widow and children equally, and if none, to the next of kin of such deceased officer; and also, that suitable provision be made for the widows and children of those officers who were killed in battle or died in the service; and that such bill conform to the principles contained in the resolutions of October 21st, 1780, July 7th, 1781, and 8th March, 1785; and we respectively ask the adoption of this principle, and the passage of the bill by congress, as due by every consideration of good faith, honor and justice, to those brave men who fought our battles, and shed their blood in defense of our country's rights and independence.

Resolved, That his excellency the governor, cause these resolutions to be transmitted to the president of the senate and the speaker of the house of representatives of the United States; for the consideration of those bodies respectively, and to each of the senators and representatives in congress from this state.

STATE OF NEW YORK, }
In Assembly, March 8, 1858. }

The foregoing resolutions were duly passed.

By order,

D. WILSON, *Clerk, &c.*

STATE OF NEW YORK, }
In Senate, March 13th, 1858. }

The foregoing resolutions were duly passed.

By order,

S. P. ALLEN, *Clerk.*

CONCURRENT RESOLUTIONS IN RELATION TO
THE TERRITORY OF KANSAS.

Resolved (if the senate concur), That the state of New York, is opposed to the admission of Kansas into the union as a state, with the constitution, commonly known as the "Lecompton constitution," or any other constitution, which shall not have been in all its parts fairly submitted to the legal voters of the territory, and received their sanction and approval.

Resolved, That a copy of this resolution be transmitted to the senators and members of the house of representatives from this state in congress.

STATE OF NEW YORK, }
In Assembly, March 6, 1858. }

The foregoing resolutions were duly passed.

By order,

D. WILSON, *Clerk, &c.*

STATE OF NEW YORK, }
In Senate, March 19, 1858. }

The foregoing resolutions were duly passed.

By order,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
Senate Chamber, Albany, February 25, 1858. }

Whereas, by the report of the secretary of state, made to the senate, in response to the resolution, passed by that body on the 9th inst., it appears that there remains in his office 854 copies of the census report of 1855, therefore

Resolved (if the assembly concur), That one copy of such census report, be delivered to each member, officer and

LAWS OF NEW YORK.

reporter of the present legislature, who are not now entitled to a copy; and one copy to each state officer, now in office.

By order of the senate,

S. P. ALLEN, *Clerk.*

In Assembly, March 6, 1858.

Concurred in without amendment.

By order,

DAVID WILSON, *Clerk.*

CONCURRENT RESOLUTIONS IN RELATION TO
LIEUT. MAUREY OF THE UNITED STATES
NAVY.

Whereas, Lieut. Maurey of the United States navy, having by his unwearied industry, and the application of his vast scientific skill, made discoveries respecting the winds and currents, which furnish additional security to ocean navigation, add to the protection of commerce, and contribute to enhance our commercial character and greatness as a people, has entitled himself to the thanks of his countrymen, and to honorable advancement and promotion,

Therefore (if the senate concur), be it *Resolved*, that our senators and representatives in congress, be, and they are hereby requested to use all honorable means to obtain the promotion of Lieut. Maury, to such rank in the navy, as his eminent services and merits entitle him to.

And be it further *Resolved*, That his excellency the governor, be, and he is hereby requested to forward a copy of these resolutions to each of our said senators and representatives.

STATE OF NEW YORK, }
In Assembly, April 14, 1858. }

Passed.

By order,

D. WILSON, *Clerk.*

STATE OF NEW YORK, }
In Senate, April 14, 1858. }

Passed.

By order,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, {
In Senate, April 9, 1858. }

Resolved (if the assembly concur), That the agent and warden of the Sing Sing prison be, and he is hereby directed to cancel all claims which the state of New York has against James G. Wilson, for convict labor or other articles had, on his paying to said agent and warden, the sum of five thousand one hundred and fifty ninety four-hundredths dollars; and the said agent and warden is hereby authorized to purchase from said Wilson, any articles required for the use of said prison, provided the inspectors approve the same, and to deduct the amount of such purchases from the amount above stated, provided said Wilson gives a title satisfactory to the agent and warden, and inspectors of state prisons, of the articles thus purchased; and upon the payment of such balance by the said Wilson, the said agent and warden will deliver up to said Wilson, the chattel mortgage upon his property at the Sing Sing prison, and permit him to remove all property specified in said chattel mortgage from the prison grounds, except such property as may be purchased by the agent and warden of the said Wilson, in liquidating the balance due the state.

Passed.

By order,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, {
In Assembly, April 15, 1858. }

Passed.

By order,

D. WILSON, *Clerk.*

CONCURRENT RESOLUTIONS RELATIVE TO PACIFIC RAILROAD.

Resolved (if the assembly concur), That our senators and representatives in congress be requested to vote for the Pacific Railroad bill introduced by Hon. John S. Phelps, of

LAWS OF NEW YORK.

Missouri, or some bill based upon the principles of said bill.

Resolved (if the assembly concur), That the governor be requested to transmit a copy of these resolutions to our senators and representatives in congress.

STATE OF NEW YORK, }
In Senate, March 29, 1858. }

These resolutions were duly passed.

By order,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
In Assembly, April 15, 1858. }

These resolutions were duly passed.

By order,

D. WILSON, *Clerk.*

CONCURRENT RESOLUTIONS IN RELATION TO THE DEATH OF HONORABLE WILLIAM L. MARCY.

Whereas, it is becoming the sentiments of the people, that we should manifest on proper occasions, the gratitude of republics by placing on enduring record the evidences of our respect for the memory of departed greatness, while we at the same time invoke our own and coming generations to appreciate the services, admire the virtues, and emulate the example of patriotic and illustrious men:

Therefore (if the assembly concur), be it *Resolved*, By the legislature of the state of New York, that we express only the united voice of the whole people, when we attest our gratitude for the services, our respect for the character, our admiration of the life, and our lamentation for the death of William L. Marcy. He was honored while living: he is revered when dead; he promoted the welfare and happiness of his country in life, and in death, bequeathed to us

and to posterity the glory of an imperishable name and fame.

Resolved, That his excellency the governor, be requested to transmit a copy of the foregoing preamble and resolution to the family of the late William L. Marcy.

STATE OF NEW YORK, }
In Senate, January 28, 1858. }

The foregoing resolutions were duly passed.

By order,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
In Assembly, April 15, 1858. }

The foregoing resolutions were duly passed.

By order,

D. WILSON, *Clerk.*

CONCURRENT RESOLUTIONS RELATIVE TO PUBLIC LANDS.

Resolved (if the assembly concur), That our representatives and senators in congress, be requested not to vote any further special appropriations of the public lands to the new states, until some just general provision be made by which the original states shall receive their equitable proportion of the said lands, or the proceeds thereof.

Resolved, That his excellency the governor, be requested to furnish a copy of these resolutions to each of our members of congress.

STATE OF NEW YORK, }
In Senate March 29, 1858. }

These resolutions were duly passed.

By order,

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK, }
In Assembly, April 15, 1858. }

These resolutions were duly passed.

By order,

D. WILSON, *Clerk.*

CONCURRENT RESOLUTION IN RELATION TO
COMMISSIONERS TO EXAMINE PUBLIC AC-
COUNTS.

Resolved (if the assembly concur), That the commissioners to examine the public accounts, be required to examine into the accounts of all moneys in the custody and under the control of the clerk of the court of appeals; and also, that the said commissioners examine into the expenditure of public moneys heretofore granted to any charitable institutions; and such public officers disbursing public moneys, which they may be required to examine by the comptroller; and that said commissioners, report the result of their examination to the legislature.

STATE OF NEW YORK, }
In Senate, March 8, 1858. }

This resolution was duly passed.

By order of the senate.

S. P. ALLEN, *Clerk*

STATE OF NEW YORK, }
In Assembly, April 14, 1858. }

This resolution was duly passed.

By order of the assembly.

D. WILSON, *Clerk*.

STATE OF NEW YORK, }
In Senate, April, 9, 1858. }

Resolved (if the assembly concur), That the people of this state repose full confidence in the professional skill and integrity of the present Light House Board, and

Resolved, That our senators and representatives in congress be requested to oppose the passage of any bill which

may remove the charge of the Light House system from the custody of the present board.

Resolved, That the governor be requested to transmit the foregoing to our senators and representatives, to the president of the United States, and the governors of the several states.

Passed.

By order,

S. P. ALLEN, *Clerk*.

In Assembly, April 15, 1858.

Passed.

By order,

D. WILSON, *Clerk*.

STATE OF NEW YORK, }
In Senate, April 17, 1858. }

Resolved (if the assembly concur), That the members of congress from this state be requested to vote for a sufficient donation of the public lands to secure the construction of a canal around the falls of Niagara.

Resolved, That his excellency, the governor, be requested to communicate a copy of the above resolution to each of our members of congress.

By order of the senate,

S. P. ALLEN, *Clerk*.

In Assembly, April 17, 1858.

Resolutions concurred in

D. WILSON, *Clerk*.

STATE OF NEW YORK, {
In Senate, April 17, 1858. }

Resolved (if the assembly concur), That professor Alexander D. Bache, be requested to continue the drawings of the maps known as the harbor commissioners map of the harbor of New York, and the land adjacent thereto, provided that the cost for the completion of the same shall not exceed the sum of five thousand five hundred dollars.

By order of the senate,

S. P. ALLEN, *Clerk.*

In Assembly, April 17, 1858.

Resolution concurred in.

D. WILSON, *Clerk.*

STATE OF NEW YORK, {
Senate Chamber, Albany, April 17, 1858. }

On motion of Mr. Boardman,

Resolved (if the assembly concur), That the clerks of the senate and assembly complete the index of the journals of their respective houses immediately after the legislature finally adjourns.

Resolved, That the secretary of state cause the journals, and laws to be bound and distributed to those entitled by law to receive them, and that said distribution be made on or before the first day of June next.

By order of the senate,

S. P. ALLEN, *Clerk.*

In Assembly, April 17, 1858.

Concurred in without amendment.

By order,

D. WILSON, *Clerk.*

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ERRATA.

Bower, Hon. Alexander, on page 547, sec. 5 from top, should read *Bowen, Hon. Alexander*.



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[From Hon. H. R. Seiden, LL. Gov., and late Reporter of the N. Y. Court of Appeals.]

Messrs. W. C. LITTLE & Co.—Gentlemen, I regard the reports of the decisions of the Superior Court of the city of New-York, as very valuable, and believe that such is the general opinion of the members of the bar throughout this State. As a Court of general jurisdiction in all civil actions, at the point where centres the greatest amount of commerce on this side of the Atlantic, its decisions, especially upon commercial questions, would naturally possess much interest, and that interest is enhanced by the learning and ability for which the Judges holding places upon its bench have always been distinguished. Very respectfully yours,
H. R. SELDEN.

[From O. L. Barbour, Esq., Reporter N. Y. Supreme Court.]

I consider these Reports of the highest value and most unquestionable authority. The fact of the Superior Court being a *local* court has undoubtedly operated—out of New-York city—to create an erroneous impression as to the character, and to limit the sale of the Reports. But I think the profession, throughout the country, are beginning to estimate the decisions according to their true value. The Court is a very able one, and possesses a broad jurisdiction. Its decisions are, mostly, upon important branches of commercial and maritime law, involving questions of general interest and universal application.
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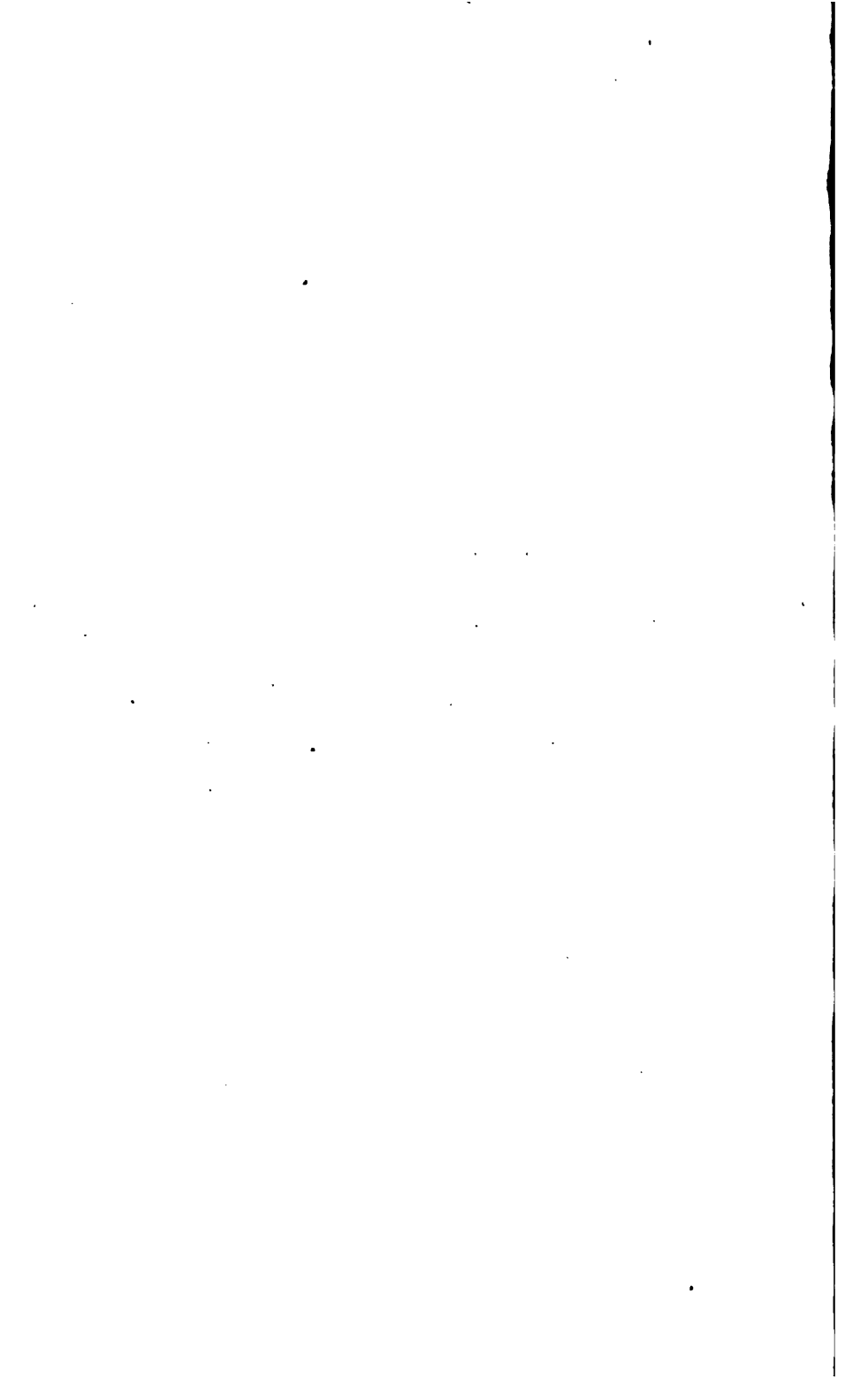
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